1894-95.
(L. R.)

File No 157-94.
Serial No: 1-25

Sub:— Appeal of Rao Bhadur Rama Rao Ramanavare, regarding the removal of a Stone Mantop and a wall in Survey No. 484 49. in Malenahalli. (in the Bangalore City Municipal limits) purchased by him

156

Serial No 71.

Extracts from "Atal Number Pahani" re of Survey No 48 of Ballenahalli village, Halasuru Hobli, Bangalore Taluk, from the year 1846.

1. In the "Atal Number" of the Parabhava year, it is stated that Number 150, measuring 5 kolagas is a tope for charitable purposes planted by Chikkanna and is Government land.

2. The "Atal Number" of the Plavanga year is not forthcoming.

3. In the Kilaka year, Maja No 148 is stated to be a charity tope, measuring 5 kolagas, having no assessment and planted by Chikka, and it is a Govt: charity tope.

4. In the Saumya year, it is stated that No 148 measuring 5 kolagas, has no assessment, is planted by Chikka and is Govt: land.

5. In the Sadharana year charity tope No 148 measuring 5 kolagas, is mentioned to have had no assessment, to have been planted by Bale-bagal Chikka and to have contained flower and Tulasi plants &c

plants &c.

6. In the Virodhikrita year, the "Aral Number" account was not forthcoming in the Records.

7. In the Parcelhavi year, Number 148 is stated to be a charity tope, measuring 5 kolagas, having no assessment and planted by chikka and that it is Govt: land &c.

8. In the Pramadeecha year id. 148 is stated to be a charity garden, 5 kolagas, to have no assessment, to have been planted by chikka, to be Govt land &c.

9. In the Ananda year Number 148 is stated to be a charity garden, to measure 5 kolagas, to have no assessment, to have been planted by chikka, to be Govt: land &c.

10. In the Rakshasa year, Number 148 is stated to be a charity tope, measuring 5 kolagas, to have no assessment, to have been planted by chikka, &c.

11. In the Nala year, the same is stated.

12. In the Pingala year, the same is stated.

13. The "Aral Number" account of the Kalayukti year is not forthcoming in the records.

14. In the Siddhardhi year,

"Sabak

for kharab 4 guntas, thus reducing the measurement to 2 acres and 20 guntas, and to be assessed at Rs 3.

32. In the Pahani of Vikrama year 1880-81, it is stated that Sunkada Chikka's charity tope has a total extent of 2 acres 24 guntas deduct 4 guntas kharab land, ~~making~~ leaving a balance of 2 acres 20 guntas, was assessed at Rs 3 and was a tope.

33. The Pahani of Vishu year 1881-82 is not forthcoming.

34. In the Chitrabhanu year 1882-83, the same is stated.

35. In the Pahani ~~of~~ of Svabhanu 1883-84, Sunkada Chikkamma's charity tope is stated to measure in all 2 acres 24 guntas, kharab 4 guntas, the remaining being 2 acres 20 guntas, to be assessed at Rs 3, and that both the tope and the flower garden bear No 16.

36. The Pahani of Tarana 1884-85 is not forthcoming.

37. The Pahani of Parthiva year 1885-86 is not forthcoming. During this year it is under-

-stood from the Sambhoge that owing to the inclusion of this village Survey Nos 12, 15, 16 in the village of Jamagal, during the rectification of the numbers, the land bearing Survey No 51 was altered into 48.

38. The Pahani of Vyaya year 1886-87 is not forthcoming.

39. Sarvajit year 1887-88 — ditto.

40. In the Pahani of Sarvadhari year 1888-89, Sunkada Chikkanna's charity tope is said to measure in all 2 acres 24 guntas, deduct 4 guntas kharab, leaving a balance of 2 acres 20 guntas, to be assessed at Rs 3 and to be a tope.

41. In the Virodhi year 1889-90 — ditto.

42. In the Pahani of Vikruti year 1890-91, Sunkada Chikkanna's charity tope is said to measure in all 2 acres 24 guntas, deduct 4 guntas kharab leaving a balance of 2 acres 20 guntas, to be assessed at Rs 3, and to have a tope, mantap and well.

43. In the Pahani of Khara year 1891-92, Sunkada Chikkanna's charity tope is stated to measure 2 acres 24 guntas, deduct 4 guntas kharab

"Salvari Number" 148 and "Krishna Number" 65 is stated to be charity tie, dry land measuring 5 Kolagas, 2 Ballas and 1½ Pallis, to have no assessment and to have been cultivated by Nolavara Chikka and Santhaveeraffa of Bangalore Vca.

15. In the Kandri year, No 65, tope of Kuchki Paramjoke, measuring 5 Kolagas, 2 Ballas and 1½ Pallis, is said to have no assessment, to have been planted by Santhaveeraffa of Bangalore for a charitable purpose Vca.

16. In the Durmukhi year the same is stated.

17. In the Dundubhi year the same is stated.

18. In the Rudhirodgari, the same is stated as well as that the land is "Inamath" and was planted by Bangalore Santhaveeraffa and Balebagal Chikka for a charitable purpose.

19. In the Rakthakshi year the same is stated.

20. The "Aval Number" for the Krodhana year is not forthcoming.

21. The "Aval Number" for the Akshaya year is not forthcoming.

22. The "Aval Number" accounts for the years Prabhava to Pramodita are not forthcoming.

23. In the Fahani of Rajolgatti, 1871-72, No 65 is stated to be Govt: dry land, in Sanhaveerappa's name, measuring 5 Kolagas 2 Ballas and ½ Pedi, to have no assessment and to be a charity tope.

24. In the Fahani of Angeeraca year 1872-73, Survey No 51 is stated to measure, excluding Kharab portion, 2 acres 20 Guntas to be assessed at Rs 3 and to be waste.

25. In the Fahani of Sreemukha year 1873-74 Sunkada Chikka's charity tope and garden together ~~are~~ stated to measure 2 acres and 20 guntas, assessed at Rs 3, being a flower garden as well as a tope.

26. In the Bhava year 1874-75, the Same is stated.

27. In the Yuva year 1875-76, the Same is stated.

28. The Fahani of Dhata near 1876-77 is not forthcoming.

29. In the Fahani of Iswara year 1877-78, Sunkada Chikka's charity tope and garden together ~~are~~ stated to measure 2 acres and 20 guntas and assessed at Rs 3.

30. In the Bahudhanya year the same is stated.

31. In the Fahani of the Pramadi year, Sunkada Chikka's charity tope is stated to measure 2 acres and 24 guntas, deducting

for

7 - 21 20.

kirukal, leaving a balance of 2 acres 20 guntas, assessed at Rs 3, irrigated from wells, &c. & situate to the Measuring 2 acres 20 guntas

44. In the Fasli of Vaidana 1892-93, the same is stated

45. In the Fasli of Jaya year 1894-95 Sunkada Chikkanna's charity tope is stated to measure in all 2 acres 24 guntas, deduct 4 guntas kharab, leaving a balance of 2 acres 20 guntas, and is assessed at Rs 3.

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1. In the "Gida patrike" of the Survey Settlement, this is stated to be a charity.

2. In the "Fasli patrike" (list of waste lands) this is stated to be a Bevaru land included in the Cantonment Statement.

3. The same is stated in the "Phisal patrike".

C.R.
14/6/17.

Serial No 70.

Translation of the Entry of "Final Patika" of Survey No 248 of

from the Circle Cutcherry Camp Kan Ramanagaram, Regimental Mysore,

dated 1872.

Revenue Survey Number.	Total extent.	Deductions.	Remaining Extent.	Assessment Rupees.	
	A. G.	A. G	A. G		
48	21 - 27	1 - 27	20 - 0	24 - 0 - 0	Survey No. by any bo Race Course Statement.

C&L 14/6/97.

Sangappa and obtained a license from the City Municipality for erecting stone walls &c.

The Amildar made a reference to the Municipal Vice-President enquiring whether a license was granted to the Petitioner, and the Vice President replied that a license had been granted but it was subsequently cancelled. Thereupon the Amildar submitted the matter, in Sakaira Sakta, to the Deputy Commissioner who passed the following order on 27th June 94:—

"This is a Dharmada lope which should be left open for the use of the public.

The occupant should be served with a notice to vacate it in a week's time, failing which a heavy fine would be imposed. The result should be reported."

Accordingly, the Amildar issued a notice to the Petitioner calling upon him to remove the wall within a week, but as this was not served he issued by post another notice × on 10. 9. 94, which was received by Petitioner on 12. 9. 94.

× Translation

The present appeal is against the Deputy Comm's order communicated by the above notice.

Petitioner having failed to obey the notice, the Deputy Commr, on 3rd October 94

Mallenahalli village, Hulkunte Hobli, granted on a requisition
and Santhaveralpanaam Bailiff of Chicka Petta, Bangalore,

42, 43, 44, 45, 46, 48, 49, 53 and 54 are not owned
by ("Beware" Lands). As portion of these is required by the
Therefore these must be included in the Cantonment

9. 1.

Appeal No 18 of 1894-95.

Petitioner:—

Row Bahadur Ram Row
Ranawarre,
Regimentalar, Mysore.

This is an appeal against the order of the Deputy Commr of Bangalore calling upon the Petitioner to remove the wall of stone slabs erected by him in Survey No 48 (b) of Malenhalli in the Bangalore Taluk, situated behind the Petitioner's Bungalow.

This land called Sunkada Chikkanna's Dharma Tope, measuring A 2. G 24 and assessed at Rs 3 is stated in the

15. T.

Shekhdar's report
No 375 dated 19-12-93
that S. No 48 belonged
to the Hakdhari of Sangolla
is opposed to the entry
in the Final Patrak.

The licences issued
by the Municipality to
Pets are as follows:—

(1) No 115 dated 18-11-93
permitting Pet to erect
Stables and to put
up a Compound wall
on S. No 48.

(2) No 412 dated 4-12-93
Cancelling that licence
authorising the erection Stables, saying
that it was granted under a
mistake, while the President
had only meant to
issue a licence for
erecting a Compound wall

(3) No 485 dated 23-12-93
Cancelling the licence to
erect a Compound wall
on S. No 48 and a Dharma
Tope.

8 16

The Dy Commr in his order says that a formal ~~proceedings~~ enquiry was held but the proceedings do not show that any such were held. No formal enquiry seems to have been made—

—

Appellant contends that he purchased half of S. No 48 from its owner.

Elf

Refer to Dy Comr to call upon Dhanakar ~~to~~ to produce evidence in support

The Dy Comr has returned the records (after more than 2 days) stating that Registration Name has no fresh evidence to offer. The accounts referred to by the Dy Comr are translated & filed

Sub to 2nd Court

Rob: 20/6/97.

18/6/97

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N.B. R.2.
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is put-
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SV

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Put up w
before a
reference

Recd 23/6/97 19/6/97
KA

Refer
to 21/6/97

To Mr S.C. Smith
for response
by 24/6/97

Posted to 9th Aug

Faisal Patrik to be "Bevars"
and Banjar.

In December 93, the
Shekdar of Bangalore Hobli
reported to the Amildar
that S. No 48 in Malenhalli
was mentioned in the accounts
as Sunkada Chikkanna's
Dharma Tope, that though
an assessment was charged
on the land, it was not
being collected, that one
Sivachanda Sanjappa,
Nakdar to the Tope was
cut used to take dead trees
of the Tope, and was in 1887
fined for cutting a Mango
tree, and that Sri Rama Rao
Ranganaire was getting
a compound wall of stone slabs
erected round the Tope and
said that he purchased
half of the Tope from Nakdar

* The Cutcherry from
the Report of Sub.
to the Head Assistant
Show that Sanjappa
was fined Rs 2 and
that the Amount was
paid. There is nothing
to show that the
appeal against it

passed an order directing the Amildar to evict the Petitioner and to remove the obstructions raised by Petitioner

On the application of the Petitioner, Government, in Official Memo No 5-50, dated 26th October 94, directed the Deputy Commr to stay further execution of his order. The Deputy Commr, in his docket No 516 of 2nd November reports that orders have been issued to the Amildar of Bangalore to stay further proceedings; and in his docket No 551, states, that before the order of Govt was received, the stone fixtures

* This order is in English

had been removed at a cost of Rs 13-10-0. and that this account remains to be adjusted. He further states that the order appealed against was passed under Section 59 of the Land Revenue Code.

(S. No 52 was subsequently altered to S. No 49. The Collector wanted it for Collection purposes. The Dy Commr has sent the entire Correspondence Connected with it although it does not form part of the appeal before us. The Govt is to. 6055-6 d 25 oct 92

R 7134-92
Appeal to grant S. No. 49 to the Collector for Collection purposes, as that has been altered to suit that Survey No.)

S.V.

and as the Deputy Conservator not to interfere with the free exercise of this right by the owner.

(Sd.) P.N.K.
9/5/99

This is some way from Veeravanallur connected with the grant under consideration to Mr. Madhava Rao of the land he has applied for. The file was submitted yesterday.

Mr. Standish has promised to send the plan and information called for by the Dewan direct to Ooty to-day.

Dewan
(Sd.) C.S.
10.5.99.

Of the three points I have mentioned (1), (2) & (3) in Mr. Krishnamoorthi's Remarks.

(2). is under consideration and the papers are accessible to Mr. Krishnamoorthi.

(3) I don't know what he means and I shall feel obliged for any facts in his possession.

& (1). I don't know when and in what connection Mr. Krishnamoorthi expressed the opinion that the land is not required for a

for a public purpose.

Let me see that opinion, as I wish to know how this negative opinion was arrived at before deciding if the land is required for a public purpose and making a declaration to that effect. If the land is required it must of course be acquired under the Act.

I am not quite clear what the specific recommendation of the Dy Comr. is? Next is the Department which should deal with the subject. Though I am glad to have the benefit of Mr. Krishna Moorthi's opinions, I don't quite see how the subject belongs to any department under his charge.

(Sd) KS.
26/5/99

Demand order in continuation of letter No. 1838 2/5/99 from the D.C. Bangalore Civil & Mc. (in the file —)

Submitted to the 2nd Councillor.

(Sd) BR
9/5/99

Rd. 9-5-99.

The Order already passed is equitable and final and it is unnecessary to interfere with this land.

I still continue to hold the opinion that it is unnecessary for a public purpose. Indeed when the much larger ground of the Silladari drill ground became available, a large slice of it was if my information, was correct, allowed to be converted into private ownership.

Another garden belonging to the Regimentdar was also represented, otherwise forcibly acquired and now forms a part of a private Compound. Such acts are viewed with great disfavour by the public and I would avoid such interference.

I see no reason to reconsider the order already passed and I would let it without any reasons and

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Ref

Remarks / Remarks on letter
No. 1089-Q 25-5-99 from the Deputy
Commissioner Bangalore District -

Subject

As regards Para-(1) Please
see Serial No 25 in which
the 2nd Ist suggested the
opinion that " it is no longer
necessary to retain this as
a Public Note " & " it is
no longer necessary to
continue it as a Public
Note "

The Dy Comr dealt with
this case under Section 59
of the Land Revenue Code
(Vide Serial No 10) - The
official from his order
was heard by the 2nd & 3rd
Cls who passed the order
of 25th August 97 quoted
in the Dy Comrs present
Communication - The
Latter was dealt with by the
2nd Ist as it recommended
the matter " for the consi-
deration of Government

Seen - I have
made some remarks
separately on the
orders of 25 Aug 97 -
Which please send
to Mr Rustom Ahmed with
my remarks hereon -

9-6-99

C.
25/5/99

Ordered accordingly
10/6/99

20 38

LR 99-98/14

Memo.

I have serious doubts regarding the le-gality and Sound policy of the Government order No. 2194-5 dated 25th August 1897, passed in Petition/Appeal No. 18 of 1894-95 — Appellant Regimentdar Rama Row Ramanavare —

From the tenor of the order I am inclined to think that the whole of the facts had not been placed before the Councillors who heard and decided the appeal

I append below a rough sketch of land No. 45, divided into

26 July

4.

Topes, as it always has been before - The Survey Settlement conferred upon no one any rights not before enjoyed -

The topes in question did not come under the orders of 12th March 1880 and could not have been converted into a private occupancy under the authority of those orders. Even these orders have been withdrawn by orders of 24th January 1895, which clearly indicated the policy of the Government as regards such Topes. I can find no rules under

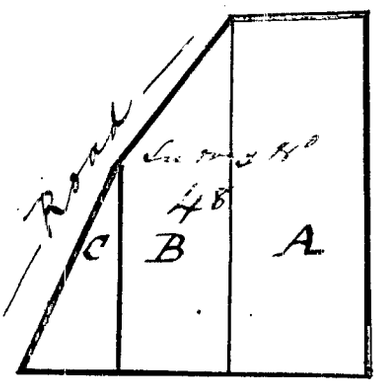
(Chief Commrs pro: No. 621. 8 - 725 of 12. 3. 80)

(Govt pro: No. 12534. 44 R. F. 116. 92 24. 1. 95)

which the conversion ordered in this case could be effected - Nor was such Conversion (which apparently applies to the whole land) consistent with Good policy or with the public right brought to notice the Dy Comr.

Moreover the order of 25th August 1897 for striking off the assessment after levy of a fine of 10 years' assessment is opposed to the Revenue Regu-lation - If the in-tention was to per-mit the use of the land for non-agri-cultural purposes, under clause (3) of section 63, not only the fine but a spe-cial assessment was leviable -

The dispute was only regarding parts A and B of No. 48,



three parts, A, B and C, the area of each of these parts is as shown below: —

		A.	G.	
No. 8	A -	1.	113	Assessment Rs 3/-
	B -	0.	38	
	C -	0.	13.	
		2.	24.	

It appears that the "Dharma Tope" in question consists of only parts A and B, and not of part C (though included in R.48) which belongs to another and quite distinct "Dharma Tope". The effect of the transaction between the parties ~~in question~~ is a sale of part (B) to Regunath-dar Rama Row for a price of Rs 7501- to be expended in enclosing

part (A) by a stone wall and making a stone wall therein with the intention of continuing part (A) as a public flower garden - The Dharma Tope in question contains a temple, tomb and well, which are of the nature of existing "Public Charities" and to which the public have a right of access at all times. The Charities are all situated in part (A). Even the so called owners of the Dharma Tope recognize (as it is evident from the alleged Deed of the Sale transaction) the need for continuing the

Public Charities (Temples, tombs, &c) and even of improving them - Indeed the ostensible object of the sale is to provide funds for this improvement - And an important aspect of the question was, that in having regard to all circumstances, it was desirable to permit the alienation of a part of the Dharma Tope so as to provide funds for improving the remainder of it - This aspect of the question had apparently not been submitted to the Councillors, and their decision proceeds ~~upon~~ Not upon the Consideration of what is good for the Public Charity, but upon

24 #2

the Vendors right to the land and his power of alienating it and

Upon the opinion that it is ~~the Tope is~~ no longer necessary to retain the Tope as a Public Tope - I can find from the papers no ground for this opinion - But the Dy Conservator's report shows that the public have certain rights to the Tope. Information about these public rights was probably before the Govt.

Nor can I find any support for the Vendors right to the Tope or his power to alienate it in part.

The ground upon which the Survey Department in 1872-73 assessed the Tope at £3 is not clear. It was clearly an error because the land contained a Tope and had been paying no assessment previously: and the presumption that the Tope was a Dharma Tope had in no way been rebutted. Before the Survey Officers there had been no claim of private ownership from any party; on the other

heard the information before them (entered in the Faisal Patrika) was that the land was "Berars" ownerless, and in Gidu Patrika that the land was a "Charity Tope" - But the ~~Executive~~ Superintendent's ~~in position~~ an assessment upon this land (which had for many * generations been free of assessment because it was a Dharma Tope) was given no effect to by the Revenue authorities and the assessment charged ~~by the Survey~~ was never levied. The land continued after the settlement to be shown in the Revenue accounts as Dharma

⊗ As to how the Survey dealt with such topes, see Superintendent's letter No. 347 dated 26th August 1890 regarding the adjoining Tope -

* See Extracts of Old accounts - Paper Serial No 71.

98 ~~4~~

but the order deals with also part C of that No. -

Under the circumstances above referred to, I am of opinion that the order of 25th August 1897 should be revised and that the whole land No. 48 should be continued as a Dharma Hope

Bangalore
9th June 1899.

K. Krishnaswamy Iyer

Secy
Submit to 2d Committee
for favour of remarks
with Entire Records

9-6-99

Submitted
12.6.99

10/6/99

1 Has a replan received with letter of 6th June. If so I wish to see it

2 What were the first seven Survey numbers of the present 48 & 49 & their extents

3. What was the extent of 48 originally & what is it now? How much of this was sold with Castle Requirendan? How much reserved by the owners of 48. & how much is in waste on account of its formerly forming a portion of the present No. 49.

4 What are the Annual number & Balance entries re 48 & 49 during the present

3/.

What are the
al numbers and
ni entries regard-
the present No.
during the last
or 30 years —

Statements com-
piled from accounts
furnished by the Amil
-dar, for the years
1879 to 1897. 98 are
submitted.

The Amildar's
Cameral statements
are also submitted —

In Secretary's
of the 9th June,
D.O. letter from
Deputy Commiss.
that day's date
referred to. Where
it. Is it the
er beginning as
me?

Yes. The D.O.
adverted to in the
Secretary's letter of the
9th June is the De-
-puty Commissioner's
Memo of the same
date which was
enclosed in a cover
addressed to Apth:
Secretary with the
Dewan.

VI

18 30.

the last 20 or 30 yrs

5. In Secy's letter of the 8th June a D. O. letter from the Dy Comr of that day's date is referred to - where is it? Is it the paper known as memo?

6. In this memo it is stated that the Temple over the "hitta" was built 300 yrs ago & a Karar is referred to. There is one Karar of 80 in regn to the Mandap - more accurate information is wanted on this point

7 It is said that 13 gunthas being the portion of R.S. 48 to the East of the road was sold some Ramayya for Rs 500. Which is this bit

who enjoys it? Is any Kandyan
levied thereon? I want all
the available information
on this point

What is that broken Welle
west old Wattumunaya
is it a land 49? The ideas
seem to be somewhat confused
about these lands

8 Kurukandagama been imposing
levied on 49 from the time
of the S. Settlement

Please get them information
soon — Ward
14.6.99

No 49 proper - Nanniya seems now to hold 1 Acre and 10 Gantas (17 Gantas purchased by him as above, and 33 Gantas purchased by his father Mudiyanse Chikkanna from the re- latives of Agasara Ar- nia the original planter) the remaining 15 Gantas of that number, being held by Arnajee Rona relative of the original planter of that bit -

Has Kundaya uniformly levied 49 from the time to time settle- ment?

Yes - Assessment has been regularly paid since the settlement -

An extract from the Faisal Patrik, sub- mitted herewith, shows that the number was given to the planters during the settlement, on condition that, should at any time

Sir,

In obedience to your order, I beg to submit herewith a Memo and statements embodying all the information required by the 2d Councillor, in regard to land Nos 48 and 49 of Malemakully village (Regimentaed land and adjoining topes) — I regret that the delay of a few days was unavoidable owing to pressure of other work here —

I beg to remain
Sir,
Your obedient servant,

3rd July 1899. B. Ramakrishnaya Row

Ruled to the 2d Q

Rd 6.30 Pm. 4-7-99
5.7.99.

Read 5/7/99

Memo.

Commissr's queries. — Replies to the same

I. Has a reply been received to the letter of the 2nd June. If so, I wish to see it. — Copy of Deputy Commissioner's letter No A dated 11th June 1897 received in reply to the Secretary's letter of the 9 idem is put up. The original is awaiting Dewan's order.

II. What were the first series survey numbers of the present 48 and 49 and their extent &c. — Survey Nos 48 and 49 of Malena-mully Village bore Nos 51 and 52 respectively at the time of the Survey Settlement. Their extent and assessment are noted herewunder:—

Nos		Total extent	Phoot Kharab	Assessment
		A. G.	A. G.	Rs as P
48	51	2. 24.	0. 4.	3. 0. 0
49	52.	2. 0.	0-15.	1. 4. 0

2/-

The original extent of H° 48 is stated to be 5 Kolas, as per old accounts, from the year Parabhava to Paisala (1845-47 to 1857-58). From Siddharti to Rajotpatti (1859-30 to 1871-72), it is mentioned as 3 Kolas, 2 Ballas and 1½ Padis, while from 1872-73, it is shewn to be 2 acres & 20 guntas (exclusive of 4 guntas of Kharab).

The present extent is also 2 acres & 24 guntas of which,

A. G.
0. 38 were sold to the late Regimentdar;

13 (including 4 guntas of Kharab) were reserved by the owners for use as a charitable flower garden;

and

13. form the land formerly belonging to H° 49, and stated to have been included in H° 48 at the survey-

Total. 2. 24

III What was the extent of H° 48 originally and what is now? How much of this was sold to the late Regimentdar? How much reserved by the owners of H 48 and how much is in waste on account of its formerly forming a portion of the present H° 49?

The change in the Kaume of this number, therefore, dates from the Survey Settlement -

As regards the South west corner of N° 48 no assessment was ever levied thereon. Prior to the Survey Settlement it was part of the Dharma topes (N°s 48 and 49); and at the Survey Settlement it became part of N° 48 the whole of which was shown as Dharma topes in the name of Sunkada Chikkanna and no assessment was levied on this number until the passing of the order of Government, N° 2194.5 P.F. 16.97 dated 25th August 1897.

I have &c.

Signed K. P. Puttanna Chetty
Deputy Commissioner
Bangalore District

VI In this Memo it is stated that the temple over the "kutta" was built 30 years ago and a Kurus is referred to - There is one Kurus dated 1880: it refers to the Mantap - More accurate information is wanted on this point -

In an enquiry since made, the deputy commissioner (in his letter No. 265 of the 21st June) submitted with the file) states that the temple (in 80 #8) was built by one Sankanna about 30 years ago; that no written Kurus appeared to have been executed at the time; and that the Mantap referred to in the Kurus of 1880 was constructed in latterly to the south of the temple -

VII

5/

VII It is said that 13 Kuntas being the portion of Lot 48 to the east of the road was sold to one Ramanya for Rs 500/. Which is this bit? who enjoys it? Any Cundayan levied thereon? I want all the available information on this point—

The 13 Kuntas referred to herein is the south west corner Lot 48 stated to have formerly belonged to Lot 49 and included in 48 of the survey. (vide (3) of reply to query No II) This bit was sold to Ramanya by the sons of Cankada Cankanan the original planter of that bit, for Rs 500 in 1890 - No Cundayan is levied on it - The Deputy Commissioner states that as the land is not cultivated it cannot be said to be in the enjoyment of any one, the purchaser not having gone anything to it.

What is that portion sold to Ramanaiya? Is it a part of Lot 49?

The ideas seem to be somewhat confused about these bits of land -

Yes - the portion sold to Ramanaiya is 17 Kuntas out of the 1 acre and 25 Kuntas comprising the corner

7

the said number be required by Government, the Contractors will not be entitled to claim any compensation therefor —

3rd July 1899.

S.K.

Bangalore District,
Deputy Commr's Office,
Dated, Bangalore 11th
June 1899.

No. A.

To.

The Secretary to the
Government of Mysore
General and Revenue Dept.

Sir,

With reference to the queries contained in your letter No. [illegible] of the 3rd instant, on the subject of the reservation of Survey Nos 43 and 44 of Mallenahally Village for public purposes, I have the honor to state as follows:—

The area included in Nos 43 and 44 was shown as Dharma Tope in the accounts of the year Parabava (1875) down to the year Rajmipatti (1877-78) In the year 1878-79 the Survey

Settlement book place and in the Settlement records No. 48 was shown as Dharma Jote in the name of Lunkada Chik- -kanna and assessed at Rs 3. But no assessment was levied on this number.

In the Settlement records Survey No. 49 was shown as Hidwali and assessed at Rs 1. 4. 0. The Phut- -pahani of this number shows three occupants as below and Khata was made in their names: —

	A	G	Assessment Rs	as	p
Ratnappa Vaik	0	15	0	4	0
Agasu Annaik	0	33	0	12	0
Thimmia —	0	17	0	4	0
Total	1.	25.	1.	4.	0

Since the year 1872-73 assessment as above has been regularly paid.

Extract from Field Books and previous to Survey and Settlement

Survey No.	Year	Old number	Description	Extent Roods	Acres	Poles	Assessment	Crop raised on the land
								As per Field Books &c
52/49	1849	49	Thamma topee	1	-	-	-	20 mango & 3 Jamboo trees
	1850	49	do	1	-	-	-	Topee
	1851	49	do	1	-	-	-	do
	1852	49	Salapoo Kaiee topee	1	-	-	-	20 mango & 3 Jamboo trees
	1853	149	do	1	-	-	-	do
	1854	149	do	1	-	-	-	20 mango & 3 Jamboo trees
	1855	149	do	1	-	-	-	—
	1856	149	do	1	-	-	-	20 mango & 3 Jamboo trees
	1857	149	do	1	-	-	-	Topee
	1858	149	Thamma topee	1	-	-	-	Topee
	1859	149	do	1	-	-	-	—
	1860	50	Topee	1	-	-	-	—
	1861	66	do	1	2	2 1/4	-	—
	1862	66	do	1	2	2 1/4	-	—
	1863	66	do	1	2	2 1/4	-	Topee
	1864	66	do	1	2	2 1/4	-	do
	1865							
	1866							
	1867		Accounts not in the Fa					
	1868							
	1869							
	1870							
								As per Pahani accou
	1871.72	66	Government	1	2	2 1/4	-	Thamma topee

Pahani Accounts of Malenakuzhy Village,

Name of the cultivators	Remarks.
Accounts.	
Planted by Balap- -pa Naick.	Government
do	20 Kanjoe - 3 Sanupiee & Berle trees
do	—— do ——
do	Government land
do	— do —
do	—
do	20 Kanjoe à 3 Sanupiee trees.
do	—
do	—
do	—
do	—
Balappa Naick has planted as a Share.	
do	do
do	do
do	do Paramboke
do	do — do —

Accounts.

Balappa Naick

by K.G. Shanmuga
Annidan
23. 6. 99.

Survey number	Govt. or Inam	Fasli	Name of the Pattadar or Inamdar	Total area A	Total area G	Kharab A	Kharab G	Dry A	Dry G	Wet A	Wet G	Bagayat A	Bagayat G	Assessment Rs. as	Crop	Whether the boundary marks are in good repair or not?	
49	Govt	1891.92	Hanumia bin Chikkanna naick	2	-	-	15	1	10	-	-	-	-	- -	Tope	In repair	
			Balappa naik	-	-	-	-	-	15	-	-	-	-	- -	do	do	The area under crop is shewn as 4 guntas
								1	25					- -			
do	do	1892.93	Hanumia bin Chikkanna naick	2	-	-	15	1	10	-	-	-	-	- -	do	do	
			Balappa naik	-	-	-	-	-	15	-	-	-	-	4 -	do	do	The area under crop is shewn as 4 guntas
								1	25					4 -			
do	do	1893.94	Hanumia bin Chikkanna naick	2	-	-	15	-	10	-	-	-	-	- -	do	do	
			Balappa naik	-	-	-	-	-	15	-	-	-	-	4 -	do	do	
								1	25					4 -			
do	do	1894.95	Ramia bin Hanumia	2	-	-	15	-	10	-	-	-	-	- -	do	do	
			Krishna Row bin Balappa-Naik	-	-	-	-	-	5	-	-	-	-	4 -	do	do	
								1	25					4 -			
do	do	1895.96	Ram ~~ia~~ bin Hanumia	2	-	-	15	-	10	-	-	-	-	- -	do	do	
			Krishna Row bin Balappa naik	-	-	-	-	-	5	-	-	-	-	4 -	do	do	
								1	15					4 -			

do	do	1896.97	Ramia bin Hammia - Krishna Row bin Balappa kaik, deceased - Annajee Row	2	-	-	15	1	10	-	-	-	-		-	-	do	do
				-	-	-	-	-	15	-	-	-	-		4	-	do	do
do	do	1897.98	Ramia bin Hammia	2	-	-	15	1	10	-	-	-	-		-	-	do	do
			Annajee Row bin Krishna Row	-	-	-	-	-	15	-	-	-	-	-	4	-	do	do

Sdj K. G. Shanmuga
Amildar

23. 6. 99.

do	do	1886-87	Ramunia bin Chikkanna naick	2	-	-	15	-	33	-	-	-	-	-	-	12	-	do	
			Balappa naick	-	-	-	-	-	15	-	-	-	-	-	-	4	-	do	-
			Ramunia bin Chikkanna	-	-	-	-	-	17	-	-	-	-	-	-	4	-	do	
								1	25						1	4	-		
do	do	1887-88	Ramunia bin Chikkanna naick	2	-	-	15	-	33	-	-	-	-			12	-	do	In repair
			Ramunia bin Chikkanna naick	-	-	-	-	-	17	-	-	-	-	-	-	4	-	do	do
			Balappa naick	-	-	-	-	-	15	-	-	-	-	-	-	4	-	do	-
								1	25						1	4	-		
do	do	1888-89	Ramunia bin Chikkanna naick	2	-	-	15	-	33	-	-	-	-	-	-	12	-	do	In repair
			Ramunia bin Chikkanna naick	-	-	-	-	-	17	-	-	-	-	-	-	4	-	do	do
			Balappa naick	-	-	-	-	-	15	-	-	-	-			4	-	do	
								1	25						1	4	-		
do	do	1889-90	Ramunia bin Chikkanna naick	2	-	-	15	-	33	-	-	-	-	-	-	12	-	do	
			Ramunia bin Chikkanna	-	-	-	-	-	17	-	-	-	-	-	-	4	-	do	
			Balappa naick	-	-	-	-	-	15	-	-	-	-	-	-	4	-	do	
do	do	1890-91	Ramunia bin Chikkanna naick	2	-	-	15	-	33	-	-	-	-	-	-	12	-	do	
			Ramunia bin Chikkanna naick																
			" Not transferred to him to the aforesaid																
			Ramunia	-	-	-	-	-	17	-	-	-	-	-	-	4	-	do	
			Balappa naick	-	-	-	-	-	15	-	-	-	-	-	-	4	-	do	
								1	25						1	4	-		

Survey numbers	Govt or Inam	Fasli year	Name of the Pattadar or Inamdar	Total area A	Total area G	Kharab A	Kharab G	DB A	DB G	Wet A	Wet G	Baga-yet A	Baga-yet G	Assessment Rs	Assessment as	Assessment P	Crop	Whether the boundary marks are in good repair or not?
53/49	Govt	1882.83	Hanumia s/o Chikkanna	2	-	-	15	-	33	-	-	-	-	-	12	-	Jope	
			Balappa kaik —	-	-	-	-	-	15	-	-	-	-	-	4	-	do	
			Hanumia s/o Chikkanna	-	-	-	-	-	17	-	-	-	-	-	4	-	do	
								1	25					1	4	-		
do	do	1883.84	Hanumia s/o Chikkanna	2	-	-	15	-	33	-	-	-	-	-	12	-	do	
			Balappa kaik —	-	-	-	-	-	15	-	-	-	-	-	4	-	do	
			Hanumia s/o Chikkanna	-	-	-	-	-	17	-	-	-	-	-	4	-	do	
								1	25					1	4	-		
do	do	1884.85	Hanumia s/o Chikkanna kaik	2	-	-	15	-	33	-	-	-	-	-	12	-	Jope	
			Balappa kaik	-	-	-	-	-	15	-	-	-	-	-	4	-	do	
			Hanumia s/o Chikkanna	-	-	-	-	-	17	-	-	-	-	-	4	-	do	
								1	25					1	4	-		
49	do	1885.86	Hanumia s/o Chikkanna kaik	2	-	-	15	-	33	-	-	-	-	-	12	-	do	
			Balappa kaik	-	-	-	-	-	15	-	-	-	-	-	4	-	do	
			Hanumia s/o Chikkanna	-	-	-	-	-	17	-	-	-	-	-	4	-	do	
								1	25					1	4	-		

the Zope was within the cognizance of the Commissioners themselves and appearing their knowledge also of the place there was no difficulty in deciding that the Zope was "practically of no use whatever to the village community and that it could be transferred to the planters' heirs on valuation subject to payment of full assessment." If the Dewan entertains a different opinion on this point it is a question of judgment, but that will not invalidate the order of the Commissioners whose order was as shown above, not arbitrary and was well supported by the recorded opinions and unanimous. This order must according with constitution of the present government be deemed final -

The transfer of the land into private ownership was perfectly just legal and the transaction between the Government and this vendor was effected with the object of improving the land & not wasting it. It was under these circumstances only any further additional value and the interference with the steps which had been paid to enclose the

ground and especially this memor
~~destroyed~~ was an act of destructi
quite uncalled for though comm
under the garb of authority an
the protection of law -

The reservation of one - half
the land by the vendors and th
appropriation of the purch
money for enlarging and endow
(it by a compound wall
enclosed ^ & providing a
are not acts in consistent with
or and their intention to continue it as a private
ownership - There was a private
temple in it ^ and the owners dedi
(There is no evidence whatever
whereas a flower garden as privi
charity & dharma - There is
a document filed with the record
to show that the Temple mentio
which was built in 1880 was
constructed with the permission
the owners, & their (vendors) exclusive
of "Hoolleri" is both declared & re
Even the man who built the Mam
to discharge a vow agreed to go in
in the Temple with the express be
obtained of these men - Under th
circ & consider it impossible to
that the Temple is a public temple
which the Regulation vendors
exclusive
no ~~title~~ ^ right or control whatev
disa so as to be disabled from ente
a compound wall - The Tamil maj

do	do	1877.78	Balappa naik	-	15	-	-	-	-	-	-	-	-	-					
			Basava Hanumaiya	-	33	-	-	-	-	-	-	-	-	-	-	4	-	do	do
			Timma bin Chikka	-	17	-	-	-	-	-	-	-	-	-	-	2	-	do	do
			Khatub	-	15	-	-	-	-	-	-	-	-	-	-	4	-	do	do
			Total	2	-	-	-	-	-	-	-	-	-	-	1	4	-		
do	do	1878.79	Balappa naik	-	15	-	-	-	-	-	-	-	-	-					-
			Hanumia bin Chikkanna naik	-	33	-	-	-	-	-	-	-	-	-	-	4	-	do	
			Timmia bin Chikka	-	17	-	-	-	-	-	-	-	-	-	-	12	-	do	
			Khatub	-	15	-	-	-	-	-	-	-	-	-	-	4	-	do	
			Total	2	-	-	-	-	-	-	-	-	-	-	1	4	-		
do	do	1879.80	Balappa naik	-	-	-	-	-	-	15	-	-	-	-	-	-	-	do	-
			Hanumia bin Chikka Hanumia	-	-	-	-	-	-	33	-	-	-	-	-	12	-	do	
			Timmia bin Chikkanna	-	-	-	-	-	-	17	-	-	-	-	-	-	-	do	
			Total	2	-	-	15	1	25	-	-	-	-	-	1	-	-		
do	do	1880.81	Balappa naik	-	-	-	-	-	-	15	-	-	-	-	-	4	-	Tope	
			Hanumia bin Chikk Hanumia	-	-	-	-	-	-	33	-	-	-	-	-	12	-	do	
			Timmia bin Chikkanna	-	-	-	-	-	-	17	-	-	-	-	-	4	-	do	
			Total	2	-	-	15	1	25	-	-	-	-	-	1	4	-		
do	do	1881.82	Balappa naik	-	-	-	-	-	-	15	-	-	-	-	-	4	-		
			Hanumaiya	-	-	-	-	-	-	33	-	-	-	-	-	12	-	do	
			Timmia	-	-	-	-	-	-	17	-	-	-	-	-	4	-	do	
			Total	2	-	-	15	1	25	-	-	-	-	-	1	4	-	do	

Extract from Patrani Accounts of Malnahully Village -

Survey Number	Govt or Inam	Fasli Year	Name of the Patadar or Mirasdar	Total area A	Total area G	Kharaba A	Kharaba G	Do A	Do G	Wet A	Wet G	Bagayet A	Bagayet G	Assessment Rs	Assessment As	Assessment P	Crop	Whether the Boundary marks are in good repair or not?
52/49	Govt	1872.73	Basava Annaiya Thimma bin Sukka Salappa Naik	1	25	-	-	-	-	-	-	-	-	1	4	-	16. Masavalli	-
do	do	1873.74	Salappa naik Basava Annaiya Thimma bin Sukka	1	25	-	-	-	-	-	-	-	-	1	4	-	Jope	-
do	do	1874.75	Salappa Naik bin Basava Annaiya bin Thimma bin Sukka	1	25	-	-	-	-	-	-	-	-	1	4	-	Jope	In repair
do	do	1875-76	Salappa naik	-	15	-	-	-	-	-	-	-	-	-	4	-	Jope	- do -
			Basava Annaiya	-	33	-	-	-	-	-	-	-	-	-	12	-	do	- do -
			Thimma bin Sukka	-	17	-	-	-	-	-	-	-	-	-	4	-	do	- do -
			Kharaba	-	15	-	-	-	-	-	-	-	-	-	-	-	-	-
			Total	2	-	-	-	-	-	-	-	-	-	1	4	-		
do	do	1875.77	Salappa naik	-	15	-	-	-	-	-	-	-	-	-	4	-	do	do
			Basava Annaiya	-	33	-	-	-	-	-	-	-	-	-	12	-	do	do
			Thimma bin Sukka	-	17	-	-	-	-	-	-	-	-	-	4	-	do	do
			Kharaba	-	15	-	-	-	-	-	-	-	-	-	-	-	-	-
			Total	2	-	-	-	-	-	-	-	-	-	1	4	-		

garden near the Rau-
house
humbly represented that his land
was forcibly taken away from
him.

I am not sure that the orders
passed by two members of council
under
are liable to be revised except
by Chundy's analogous powers
in civil cases.

13th June 99

(I mean by the Civil)
in this
in type before
me & the Dewan
I have made
several corrections
& alterations

P.S. Reading the Dewan's note
of the 25th May again I deem it
that I may clearly explain that
"the public purpose" I referred
to in the first order of the Council
& my note of the 9th May was
no other than such as is contemplated
and indicated in the Government
order of 1895 viz its practical
usefulness to travellers or to the
village community. I have no
information regarding the other two

purposes for which it is now intended to be applied & for which Parliament a declaration of the necessity in the of its ultimate acquisition is or may be contemplated.

Mr

I made the above memorandum on the receipt of the answer but thought it best to have further information on some other points mentioned. These points when information have been now received in a note from Sir Ashmead Bartlett of the Home Office but they do not affect the question above

11th July 99

Mr

45

Extract from "Faisal Patrika of Malavahully Village -

Revenue Survey number	Total extent a	Total extent g	Deduct Kharab a	Deduct Kharab g	Remaining extent a	Remaining extent g	Assessment Rs	as	p	Remarks -
51	2	24	-	4	2	2	3	-	-	As this number is not owned by any one ("Berawas") and is lying waste, it will be included in the Cantonment list -
52	2	-	-	15	1	20 ×	1	4	-	(1) Balappa Naik 0-15 - 4 (2) Ayaseda Amma 0-33 0-12 (3) Thimmia @ Chikka Bale Bagal - 17 0-4

× The Amildar's statement gives this figure as 20 but it is probably an error for 25 which is the correct figure -

If the land is for any purpose

6/

Ocean Mail Service

Pile no 16 of 1897-98

(re the removal of a wall erected by Rao Bahadur Rama Rao Ramamurthi in S.No 40 of Kalavakkam Bengaluru). which was sent by Sen Gupta dept as having been received from the D.C. Chengalpattu containing old papers of 1899 & the previous year. It is not known why this file has been sent here & what the Tahsildar if you can kindly tell me what is to be done in the case.

I am yours
sincerely
Memorial
S.S. [illegible]

(A)

This was received from the Collector's house. As per orders of the Secy it was sent to you, as it belongs to your Branch. If there is anything like [illegible]

needful –
8

6 ✓

Mr A K Dyer

This file was recently
the Asst Secretary, who
told me to get this
properly arranged & then
submit it to him
Please arrange & give
me.

AR
6-5-04

File arranged

All
7/5/04

The file is arranged
& submitted as ordered

AR
7-5-04

The V Record
may be retd to
the Ds ✓

7/5/04

Accepted
[illegible]
7/5/04

taken up by Government,
Khatedars are not entitled to
claim compensation therefor —

True Extract"

Sd K.G. Shamanna
Amildar

23.6.99.

46 80.

Memo

Bangalore Deputy Commr's
letter No A. dated 11th
June 1879.

This letter contains
no satisfactory explan-
-ation as to why the
local Revenue Autho-
-rities levied the assess-
ment on No 49,
since 1872-73, on the
sole ground that the
Survey Department
put an assessment of
Rs 1. 4. 0 on the land -
The intention of the
action taken by the
Survey is explained
in Colonel Grant's
letter No 347 dated
20th August 1870, copy
of which is forwarded
herewith for information.
It is clear that the
Survey Department
never intended to effect

LR 157-94-1

Gen. Serial No. 32.]

189

No. 993

Name of Petitioner. Rev Baladin Ramaiah Ramanamaya Reprsnted by Mr D Venkataramayya

Village. Bangalore

Taluk. Advocate

District. Bangalore

Date of Arzi. 1-10-94

Date of Receipt. 2-10-94

Date of Disposal.

No. of Enclosures. 2

ABSTRACT

Petitioner states that he purchased one half Kuntha 1 Ro 28 within the City Municipal limits of Bangalore from the owners of the land on the consideration that he should enclose the land with the erection of stone slabs and that he should also sink a well for watering the other half of the land. Petitioner then obtained a license from the City Municipality permitting him to enclose the same. Subsequently when the work was nearly completed, Pet received an order amending the license and another order cancelling the original license and to amend it. Pet was then called upon by the Assistant, Bangalore

Dr 157-94-1

Cable the license dated 10.9.94 & Notice dated 10.9.94

Dr 157-9 4-1

4/10

Cables

4/10.

Addl to Council Stamp sufficient

There were two orders issued to Petr by the Municipality dated 1st December 1893 and 9th October by the Assistant Commissioner Bangalore in September 94. Appeal is out of time the December order is seen as the Standing order for limitation. It is in time if the latter is taken as the starting point. A Copy of the order dated 1st December 1893 however not been produced.

4/10

Case pr a Report of the Asst Commr Bangalore in which the order was passed under Sec 37 of the LDB Code & ask them to send Rpo.

Dr 5/10/94

Taluk to remove the erection. On the ground that the above order of the Amildar, based upon the order of the Jamabandi officer, may be set aside for the following reasons: ——

1 That the said land is the private property of the owner and that the ownership is proved by the fact that Dr. Carr President of the Municipality, gave the owner (three months time in March 1880 to construct a mantapam on the land)

2 That the Jamabandi officer had no jurisdiction to pass such order and neither he nor the Municipality has power to pass summary orders without holding enquiry

66

4/80

any change in the pre-
viously existing tenure,
as assumed in the
Deputy Commissioner's
letter, nor was such
change of tenure "
within the jurisdiction
of the Survey Depart-
ment to effect -

Under the cir-
-cumstances, the assess-
ment charged by the
Survey should not
have been levied on No.
49, but should have
been left in abeyance
in consideration of the
Jogis being a Patrun and
in the same way as
the assessment on No
48 was left in abeyance
on the same consideration.
There was no difference
in the tenure of Nos 48
and 49 before the
Survey, nor should any
have been recognized

(as in Contemplation to
the existing tenures
which the Survey Dept
was about) - and

No. which the owners have retained

2. That when the Petr applied to the Bangalore City Municipality for permission to erect the same a license was granted to him on the 18th Novr 1893.

3. That when the work was nearly being completed the Petr received an order No. 4½ of 4th Decr 1893 amending the former license and an order No 485 of 23d Decr 1893, Cancelling both the original license and its amendment.

4. That the Petr is/so called upon by the Amildar of Bangalore to remove the erection by a notice No. — of 10th Septr 1894.

5. That the said Survey No. is the private property of the original owners (ie Sellers) and it was in their possn and enjoyment as such for over 100 years.

6. That the time granted to the owners on 24th March 1880

(11)

Ex 48

to the result of the
Survey operations - The
levy of assessment on
Nos 1-9 since 1872-73
cannot be allowed to
have the effect of "
converting this Public
Dharma Tope into "
private property with
free occupancy rights
the holder has now the
same rights to the Tope
as he had before the
Survey (such as the
right to take dead
trees or branches, to a
qualified extent
& under the well
known custom appli-
cable to such Topes)
these rights must of
course be continued,
but the public cha-
racter of the Tope
should likewise be
maintained -

The Deputy Com-
missioner will proceed
in due course to give

ie. full occupancy
rights -

Nor did the Order of
Govt 6055 of 15 Dec 98
give such rights. That
Order decided
that the Govt could not
treat the land as at
the disposal of the Govt
but must recognise
the holders' rights, such
as they were before the
Survey Settl., ie. the
well known rights
of the Planter of a
Dharma Tope.
If there is any doubt
as to the effect of the
said Order of Govt, the
same should be cleared up -
I would like to see the
Order again

pray that the notice of the Amildar
& dt 7th Sept 94 purporting to be
based upon the order of the jama-
-bundy officer may be set aside.

Bangalore
1st Octr 94

D Venkataramaiya
Petr for Petr

Copies of the above instructions and to cause due intimation to be given to the parties concerned to prevent future com-plications.

He will submit a final report of the settlement.

The foregoing remarks, may be filed with the D.C's letter. I will reserve orders as to action if any req'd, until the Returns I get Mr. Christmas's Opin Regards No. 48, on my previous Memo.

6/7/99.

please type this at once - circulate

12-7-99

50

The case is very simple and as far as I can see the decision arrived at by the Council does not seem to be open to any objection.

The fact that the forest S. No. 48 had in it, at the time of the Survey measurement, a portion of another Dharma Zope now known as No. 49 does not affect the question. If at all it strengthens the opinion that Zope No. 48 is quite useless as a public Zope and that it may be converted into one of private ownership.

No. 49 has been declared to be absolute private property even though at the time of the Survey settlement there was a reservation that the land was liable to be given by Government whenever required for a public purpose free and without claiming compensation - If X

He knows here that the plot measuring 13 Gunthas was sold to one Ramayya in 1890 for Rs 500 only. He now claims Rs 1000 - Ramayya maintains this was the ownership of the land - In any case the order passed by the Council stands against him as it has been therefore rightly founded that it also and makes a specific reference to the Zope.

Mr X was the owner of 49 had a portion of his property in 48 he has certainly lost it by lapse of time and No. 49 has been therefore rightly founded as one compact block and property which was reported to be encroached upon by

Omission to levy is a license a mistake on the part of the Civil Authorities. MVK 11.7.99

we hereby informed
if you fail to do so,
Deputy Commissioner
impose a heavy
upon you and order
removal of the stones
Govt.

15-8-94. Sd——
Amildar.

Government agency and
the levy of the cost from you
if you fail to remove the
stones within 7 days from
the date of the receipt
of this notice by post.
Be certain of this.

10. 9. 94. Sd. ——
Amildar

——

74 12

No 115.

From City Municipal Board Office
Bangalore.

To. Ram Row Ranavarek Bo
Regimentdar, residing
in No . Division
near the Sawar Lines.

In reply to your petition
praying for a license to
build stables, & to erect
compound walls, ~~for the~~
in Survey No 48 of Malenhalli,
called Sunkada Chikkanna
Tope, which is behind your
bangalow and which you
have purchased, (you are
informed, that) as the President
is of opinion that a license
may be granted, you must
complete the work
within 90 days, subject

the late Seymentadar Rao Bahadur
Ramaslai Ramaswami and which
his appeal referred -

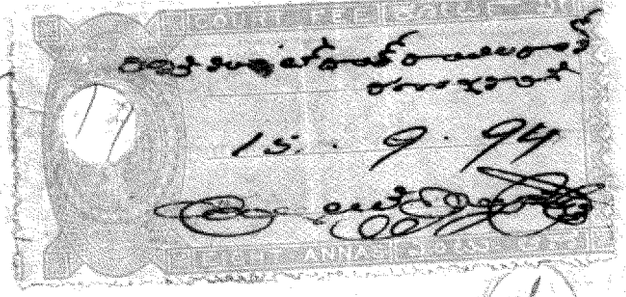
No 48 is either a Govt waste land
or Private Charitable Inst.

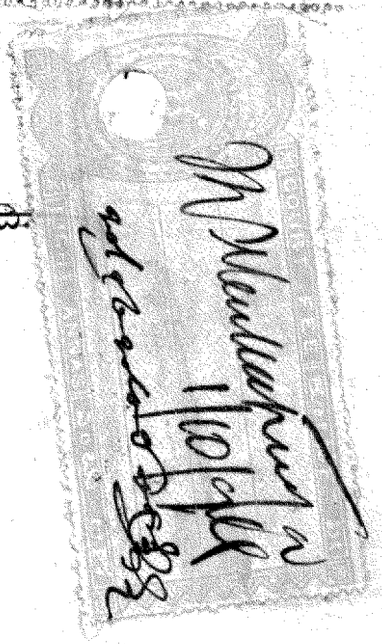
No doubt the Survey Sketch showed
the land, & declared it waste and
unoccupied as there were no huts
(Vide Varas) but - But this was admittedly wrong and as stated by the
Dewan was not acted upon by the
new authorities - The procedure adopted
was however erroneous and it was
incumbent on the Asst Officer whose
got the case referred - hold of such omission
have been pointed out & rectified.

Now the other alternative is,
and it has been conceded by the
Dewan, that the land is Private
Dharma Inst - I use the word Private
as contradistinguished from Public
and where the private origin of it,
& is undisputable that it was planted
by the ancestors of the Seymentadar's
vendors and remained in their
possession and management
for nearly a century. Siddappa their servant

The usage, if not tenure, with
regard to such holdings is that (1) Green
and live trees are not cut, (2) the dead
branches are removed by the owners

Note, that I received Memorandum of the Inordinate
Mrs Lashmamy remarks on - Appeal





ಇ.ಸ. 1894 ನೇ ಇಸವಿ

ಬರಸಿ ಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮೆ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನನ್ನ ಪರವಾಗಿ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ಅರ್ಜಿ ವಗೈರೆ ಕೊಟ್ಟು ವಿವಾದಿಸಿ ಫೈಸಲ್ ಕೊಂಡತಕ್ಕ ಬಗ್ಯು, ಮತ್ತು ನನಿಗೆ ಸಲ್ಲತಕ್ಕ ಡಿಕರಿ ಮೊಬಲಗು ದಸ್ತೈಜು ವಗೈರೆ ತೆಗದುಕ್ಕೊಂಡು ಪೀದಿ ಕೊಡುವದಕ್ಕೂ ಸಹಾ ತಮಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ, ಆದ್ದರಿಂದ ತಾವು ನನಿಗೋಸ್ಕರ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುಪ್ಪ ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪುತ್ತೇನೆ.

ತಾರೀಖು ನೇ
ಇ.ಸ. 189 ನೇ ಇಸವಿ.

ರುಜು:

ಈ ವಕಾಲತ್ತ್ ನಾಮೆ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ಥರು ಇವರ ಸಮಕ್ಷಮದಲ್ಲಿ ಇದಕ್ಕೆ ರುಜು ಮಾಡಿದ್ದಾರೆ, ಆದ್ದರಿಂದ ನಾನು ಸಾಕ್ಷಿ ಹೇಳುತ್ತೇನೆ.

and (3) the place used as a public resort for men and cattle.

That such was the mode of enjoyment of this land is amply borne out by the record. Even though there is no direct evidence to prove the fact, the Shekdar, & Shanbogue bear their report by an admission of such enjoyment. (14) The Survey Dept did not usually assess such lands & if they did they held it in abeyance. In this case also Kandaya was levied.

When the case came up before both their facts seemed clearly established and there was no doubt that the case fell under the order of 1895. It is unnecessary to refer to the order of 1880. The question which the councillors had to decide in new was whether it was necessary to continue the rule in that anomalous character of being no one's property and liable to neglect & destruction, and on from the practice which was avowedly opposed to the treatment the land had received by the Survey Dept, in order to give it away to absolute private ownership, to come to a decision on the point there was the opinion of the Judiciary Secy & myself that

ownership which was the first step necessary for its improvement as permitted by the order of 1895

neighbouring the land which applied with greater force with land in dispute as on one side there was private property belonging to Rajmahadeo & another that belonging to Narasimi Iyengar - The Deputy Comm^r who reported upon the matter stated as follows:-

"In a matter of this kind I feel inclined to give most weight to enjoyment - The vendors continued in possession of the tope in question for a very long period, as evidenced by the Revenue accounts themselves, although the latter contain the somewhat unfair enquiry remark that the land was Sarkari. I would therefore recognise the right of the 4 - Rayment dars Vendors to the Tope in question

It is unnecessary to explain that the word "Sarkari" as described Govt un-alienated land which was not "Inam"

Here was a plain recommendation to recognise the ownership, when the exercise of the act of such ownership in a form of which states were actively [illegible] was the sale of the land itself. It is clear that there was no recommendation to reserve the Tope -

Further

a private one and there would be on the road whose that it is a communal - much less a public matter.

The only question now left for answer is that with regard to the legality of the order under Sub S of the L.A. Code - Every day we are alienating agricultural land for village extensions & other purposes and levy no special assessment - No rules have been framed in Bangalore city & in cases will not be wanting in which land assessment has been remitted on lands used as public houses & compounds of Bungalows. No fine even is levied in many such cases and the omission to exact the fine in addition to levy of a special assessment does not hold invalidate the order. The Agreement does not say that the land is within the municipal limits of the City & the vendors reserved very small portion of the land for their private purposes and a flower garden is attached to the house. Under these circumstances this Commission

Mr Laud
It is not the rule
municipal
limits of the
City &
Agreement
have been kept
house.

of the assessment with Mr Levy
land
of a fine was quite justifiable
and in accordance with the Revenue
law & practice obtaining in this
Country.

I am afraid my remarks
have been very long but this
is unusual to be called upon to
enter into a defence of an order
jointly passed with another Comr
and one unfortunately deceased
who has since retired - Constitutionally
I think I would have been within
my privileges to refuse to
make any remarks, but my
Colleagues Dewan Mudaliar
& I submit to this judgment.

I think the Secy was quite
right when he referred the Dept
Comr's letter to me for order - & the report
was for the reconsideration of the
order already passed & in
the nature of an application for review.
Such applications generally &
as a matter of practice come to the
Members who pass the order -

I am glad to be corrected
that no part of the school
land in the vicinity has been given
away - & with regard to the Dewan's note
(3) I beg to state that this late appointment

Re grazing rights in Kurunthamalai & the Kurumbas: what the Commissioner suggests in regard to the Kurumbas should be decided by the Collector of the District in which the land is situated & not by this Court.

81

Gen. Serial No. 32.]

1894

(7)

LR 157-94-18

No. 6057

Name of Petitioner. Row Bahadur Kamakow Kamamraj - Respondent

Village.

Taluk.

District.

Date of Arzi. 26-10-94

Date of Receipt.

Date of Disposal.

No. of Enclosures.

ABSTRACT.

Prays that the Execution of the Order of the Dy. Comr. in the matter of the erection of a Compound wall around his Bungalow in Bangalore may be stayed till the disposal of this appeal pending before Govt.

The prayer has already been granted in part — Execution of Comr's order is stayed till disposal of this appeal that is by an Executive Order

26/10/94

Immediately

61

Ltd 13 December. Issue notice to Venkatasubbaiah Adv for Resp

Notice prepared. 3/12/94

2nd notice prepared for 21-2-95

Ltd to 21st Feb

14/2

60

Sir,

The Dewan was
[illegible] to say that
the accompanying Memo
and the Deputy Com-
-missioner's letter (regarding
the ropes 300 ft 3 and
4 9 near the Regimental's
house) may be placed to
be placed in the file
now pending before the 2d
Councillor with reference
to the order of August
1877 regarding ropes 30 45.

I beg to remain
Sir
Your Obedient servant
B.N. Lakshmanrao

10th July 1899.

Dated 12
R.D.T. 30th Jan.
11-7-99.

12-7-99

Submitted.
The file was sent to Secy
this evening - may this also
be to Secy.
B Bell
11/7.

Return this
also as the file
has been returned

Subd to
Secy:
12.7.99.

12.7.99 [illegible]
Placed in the file
12-7-99

Memo.

I shall be obliged by the Secretary sending me the Proceedings connected with the sale of a tope land near the old Silladam Line to the late Rejimentdar Rama Rau Ramanavare in which Mr. Krishna-murti has made some ~~recorded~~ instructions regarding my purchase from the said Rejiment-dar of ~~portion~~ some lands forming a portion of my compound.

Member of Council

H. G. M. G.

D.H.O.

Where is the file please?

19-9-99

The file is submitted.
The Dewan has not
as yet passed orders
on the 2nd Councillor's
note dated 1st July 1899.

HR
19.9.99.

Note seen with the Dewan.

Please obtain
the Dewan's early orders
their requisition from
the Revenue E. Dn
C.
19-9-99

Submitted to the Dewan,
and orders obtained for
submitting the papers to
the Revenue Councillor
Eastern Division -

HR
13.7.1900.

85 2

(9)

Gen. Serial No. 31.]

1894/95-5513.

Pet. 267

From

The Dy Commissioner
Bangalore District

To

Chief
The Secretary to the
Dewan of Mysore.

Dated 31st Oct/94

Despatched 2nd November/94.

Received

Enclosures—No. 2.

General No.

D No. 516.

The Chief Secretary's
P. W.'s 5-5-0 of the 26th
instant forwarding
a petition from
Rao Bahadur Rama
Rao Ramanavare
against the erection
of a compound wall
on the land behind
his Bungalow at
Bangalore.

—

In returning the
enclosures of the
above, has the honor
to state that orders
have been issued

write the file -

LR 157-95-6

15 S.6

to the Huilda
Bangalore Taluk,
to stay further
proceedings in the
matter.

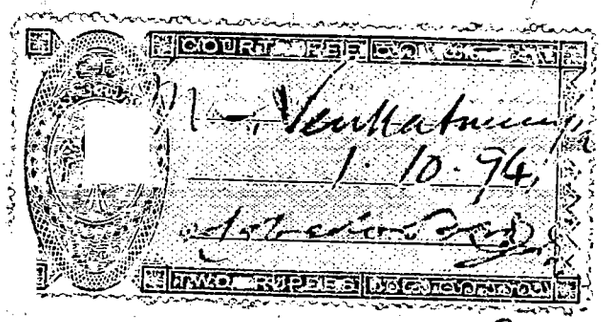
2. The record called
for in the Chief
Secretary's No. 205-
of the 7th current,
has been transmitted
with this office
Docket No. 517 of
the 31st Idem.

for Dy Commissioner

Two rupees stamp affd 67

Encl: 2

(1)



W.P. 18/1894-95

2-8-97

To

The Government of Mysore
Bangalore.

Rev: Pet: Petition No: of 1894-95

1057 ಪೆಟಿಷನರ್ ಪರವಾಗಿ
26-8-97

Petitioner :— Row Bahadur Ramachandra
Rainawaray. Regimental
Mysore.

The Petitioner above named begs to State as follows:—

1. That the Petitioner purchased one half of Survey No. 48 Situated at Malenahalli, Hulsur hobly Bangalore Taluk within the City Municipal limits from the owners of the land. The consideration being that the Petitioner should enclose the land with the erection of Stone Slabs and that he should sink a well for watering the other half of Survey

2/

6. That the then President of the Municipality, proves the ownership of the owners who executed the agreement in Petrs favor and also that the Contract was with the Municipality.

7. That the notice of the Amendment is dated Sept 12 1894 is signed without jurisdiction.

8. That when it was pointed out by the Petrs to the Municipality that it would be held responsible for all Costs sustained by the Petitioner owing to the inconsistent orders, the Jamabundy Officer seems to have assumed jurisdiction when he actually had no jurisdiction.

9. That the Petrs submit that neither the Jamabundy Officer nor the Municipality has power to pass a summary order without holding any enquiry as to the ownership of the land, and that the Petrs has never up to date been heard.

For these reasons the Petrs pray

71 — 5.

Notice

From Bangalore Taluk
Kacheri

To Ramaraz Ramanna Sayi
Regimentdar.

The fact of your un-
authorizedly erecting a
wall of stone slabs in the
Government waste land
called "Sundara Bhikkanna
Gharana Erjan" belonging
to the village of Mardenalli
was brought to the notice
of the Jamabandi officer
by means of Cutcherry Letter
and a notice calling upon
you to abide by the order
passed thereon by him was
issued to you, through the
Amildar of the Division.
Taluk, on 15th. S. 94. stating

of the notice is given in the margin. No acknowledgement of receipt has as yet been received from you, this notice is registered and sent to you by post. If, in the meanwhile your acknowledgement of having received the first notice reaches this office, action will be taken for execution in accordance with the notice, after 7 days from the date of the acknowledgement. If the date on which the notice reached you cannot be found out, a report will be submitted to the Deputy-Commissioner, recommending the imposition of a heavy fine upon you, the removal of the stones by

Notice

From Bangalore Land Khedari
To Ram Rao Ramanna Reddi
Rejmendan

The matter of your having erected unauthorizedly a wall of stone slabs in the Govt. waste land called Sundada Chikkanamana Dharmada Topu in the village of Madenahalli was brought to the notice of the Deputy-Commissioner by means of Talavar Parihar, and upon the order passed thereon by him, this notice is issued to you. You are hereby required to affix your signature to this notice, mentioning the date, for your having seen this and taken its copy, and within 7 days from the date of your seeing this notice, you should remove all the stones which you have fixed in the above said Topu, and leave it for public use.

II 23.

Amildar will report it for orders
with a sketch showing dimensions befo
demolishing such old structure.

A copy of this order will
be communicated to Mr. Rama Row
for his information. —

/ Signed/ Mir Shujaet Ali
Deputy Commissioner
dtr

" Copy "

K. Rama R
Asst Commissioner
dtr

92

(10)

Gen. Serial No. 31.]

1894/95 - 3374

Pet: 268

From

The Dy Commissioner
Bangalore District

To

Chief
The Secretary to the
Dewan of Mysore.

Dated 31st Oct/94

Despatched 2nd Nov/94

Received

Enclosures—No. 1 file

General No.

No. 517

The Chief Secretary's
Official Memo: C. No
205 of the 7th Instant,
forwarding for submission of Proceed-
ings, a petition
with its enclosures
from Mr. Rama Rao
Ramanavare,
Regimentder,
Mysore Horse, anent
Survey No. 48 of the
Malenahalli Village,
Bangalore Taluk—

In returning

the enclosures of the above, has the honor to submit the record of the case and to state that the order appealed against was passed under section 5-9 of the Land Revenue Regulations

W. Logan Esq
Commissioner

94

Gen. Serial No. 31.]

(11)

1894/95-3895

Pet. 879.

From The Dy Commissioner Bangalore District

To The Chief Secretary to the Dewan of Mysore.

Dated 8th Novr/94

Despatched

Received

Enclosures—No. two

General No.

D No. 551

This office Docket-No. 516 of the 31st ultimo submitted the erection of a compound wall on the land behind Row Bahadur Rama Rao Ramanavare's Bungalow at Bangalore.

In continuation of the above, has the honor to report that before the orders contained in the Chief Secretary's No. Pet. 5-50 of the 26th ultimo were received the stone fixtures had been removed at a cost of Rs. 13-10-0 and that this amount remains to be adjusted.

2. The Bangalore Builders

Rec'd 10/11/94

Rs 15 Paid 12/11/94

fees were subd to Asst Comr 8-94.

Filed in the file

14/11

28

11 drafts

HAR

27 93

Argee No 646 of the
30th October last is
herein enclosed.

K Lear Jr
for Municipal
Co

74 12

No 115.

From City Municipal Board
Bangalore.

To. Ram Row Ranamarak B.
Regimentdar, residing
in No . Division
near the Sawar Lines.

In reply to your petition
praying for a license to
build stables & to erect
compound walls, ~~fence &c~~
in Survey No 48 of Malenhalli,
called Sunkala Chikkanna
Tope, which is behind your
bangalow and which you
have purchased, (you are
informed that) as the President
is of opinion that a license
may be granted, you must
~~finish~~ complete the work
within 90 days, subject

31

97

Very Urgent

Gen. Serial No. 31.]

1894

OFFICE OF THE DEWAN OF MYSORE
11364
6 MAR 95
5 Pet 479

From

The President-
City Municipality

(13)

To

Chief
The Secretary to the
Dewan of Mysore.

Dated 6th March 95-

Despatched

Received

Enclosures—No. one file

~~General No.~~
No. A

LR 157-94-10

As requested in the Chief Secretary's No. Pet. 1182 dated 5th Instant, begs to submit the records connected with the license granted to Tegimentdar Row Bahadur Rama Row, Ramanavane to erect a building on Survey No. 48 of Malenahally Bangalore Taluk and its subsequent amendment and cancellation.

draft
LR. 13/3

A. Narasimaiya
for President

No. 993 KR 157-94-H3 98

(14)

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

189

Endorsement granted to Rao Bahadur Rama Rao Ramanavar, represented by Mr D. Venkata-Ramaiah advocate.

in reply to his Petition Registered No. 993 dated 1st Oct 1894 appealing against the order ~~refusing the removal of the proceedings~~ passed by the Commissioner ~~Petitioner~~ in S.No. 48 in Malenhalli, Bangalore Taluk.

Petitioner is informed that ~~his case has been remanded to the Deputy Commissioner~~ referred to the Deputy Commissioner, who has been directed to hold an enquiry into the case de novo, giving him an opportunity to prove his claim

"By Order"

Chief Secretary.

Draft

Recorder

M. G. C. P. Bangalore—6-3-94.—2000.

LR 157-94 ~~94~~ 99

(15)

[illegible]
993

[illegible]

[illegible]

[illegible]

[illegible]

48 [illegible]

[illegible]

[illegible] 1-10-94 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 22 [illegible] 1895 [illegible]

[illegible]

[illegible]

"By order"

[illegible]
[illegible]

[signature]

Offg: Chief Secretary

[illegible]
26/3/95.

75

to the conditions mentioned
below.

(Sd) K. Srinivasa Rao
Vice-President
City Municipal Council

18. 11. 1893.

Gen. Serial No. 32.]

189

No. 934

Name of Petitioner. [illegible]

Village. [illegible]

Taluk.

District. [illegible]

Date of Arz 1—10—94

Date of Receipt. 2—10—94

Date of Disposal.

No. of Enclosures.

ABSTRACT.

[illegible]

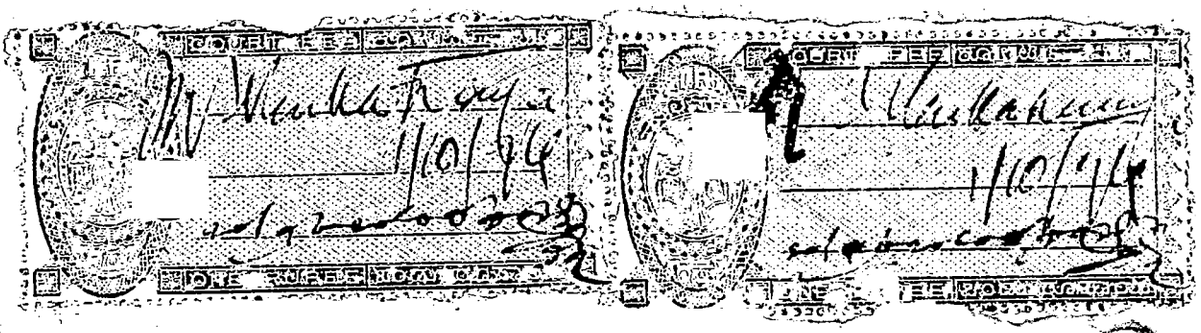
102

LR 157-96

Appeal 18 & 96-97 (18)

Appellant
Sri Bahadur
Rama Row Ramanaik
Represented by Mr
D. Venkatasamayya
advocate

The Deputy Commr
of Bangalore issued
a notice to Petr to
remove the wall of
stone slabs erected
by him in S. No. 48
of Malenhalli and
situated within the
City Municipal limits,
Bangalore on the ground
that he had no right
to do so, as S. No 48
was entered in the
survey accounts as
Kharab and Beraas.



(3)

The Government of Mysore
W.P. 15 of 1894
Rec: this Petition dt 10/4/94

Petitioner
Row Bahadur Rama Rao Ranawat

Pending the disposal of the
Appeal presented by the Petr the Pet
the Petr begs to state that execution
of the order appealed against
may be stayed for the following
among other reasons ——

1. That the Petr has incurred
an expense of about Rs 6000 or
in collecting materials and
raising a compounding wall

2. That on receipt of the notice
by the Amildar the Petitioner
informed

On the Petr's failing to ~~Carry~~ carry out the Commrs order, the latter on 3 Oct 94 directed the Sheriff to evict the Pet and to remove the structure The appeal is against this order -

Decision

For the appellant, it was contended chiefly that he was not given an opportunity of stating and proving his case. A reference to the record shows that no enquiry was held in the presence of the Petitioner. The record will therefore be returned to the Deputy Commissioner with a direction that he will call upon the Appellant to adduce his evidence to prove his ownership

of

informed him immediately that the further progress of the work has been stopped pending the decision of Govt on the appeal which the Petr intends prefer.

3. That the Petr has stopped further work as stated in his reply to the Amildar.

4. That the Petr apprehends that the walls already raised by him may be pulled down with a view to cause loss & annoyance to the Petitioner

5. That if the walls already raised be pulled down the loss would be very heavy and cannot adequately be compensated.

For these reasons the Petr prays that the Amildar of Bangalore may be directed through the Deputy Comr under whose orders he is to act acting not to interfere with the construction already raised pending the decision of Govt on the appeal preferred this day by the Petitioner

Bangalore
1-10-94

Dr Venkataramaiya
for the Petr

...uno Earle
...of B.K.
24/9

...Rao.
...ace pleadings

...legram (Rev: F. 14 ...
...ent to Rev: Branch on ...
...he. 9275 letter he 1 ...
...F.6475 ...
...from D.C. Tumkur.

...ance Branch forest.

...ogram sent to Office Branch
...842 of 12.9.96 on 12.9.96

...ing Rao.
...Please peruse petn 842—96
...de on 14/9 and the file

...forthwith.

...ner's last petition of 1-9-96
...by order of the Secretary to the
...for early report. The peti-
...tion is a ~~not~~ Reminder asking
...hearing whether

...There is no petition of
1-10-94 in this file
(R.T. 148 of 1892). That
Petr refers apparently to a
different subject (Where was
that a tope near Petr's house
Bangalore) - Put up correct
papers. NK
25/9

No. 1045

Name of Petitioner, Rao Bahadur Ramaiah
Ramanavar - Representative

Village,

Taluk,

District,

Date of Arzi, 23. 9. 96.

Date of Receipt, 24. 9. 96

Date of Disposal,

No. of Enclosure,

ABSTRACT.

Reminder this petition of 1-10-94

Prays that Early orders may be
passed after fixing a day of hearing

NK
25/9

1896

105 LR 157-94-15

20

C. No 205 of 7-10-94

Sub 6

dR 157-94-3

~~To~~ A.S.C. No 15 of 94-95

Mysore Revenue Office (5)
Petition Department.

Official Memorandum.

The accompanying petitions
Nos 993 and 994, dated 1st October
994, received at the Revenue
office, from Mr Rama Rao
Ranamaare, Regimentdar
Mysore, praying for cancellation
of the Bangalore Amildar's
notice of 10. 9. 94, ~~issued upon~~
& issued, under the Jamabandi
officer's order, to the Petitioner
~~for~~ directing the removal of the wall of
stone slabs erected by him
in S. No 48 of Mallesandra,
together with their three enclosures
are forwarded to the Deputy
Commissioner, Bangalore
District, for submission of
proceedings with a report
wherein the order was passed
under section 37 of the Land
Revenue Code, the enclosures
The petitioners ~~with the enclosures~~ returned
Copy of order

Draft

Sd/- C. Nagaraja Rao
Chief Secretary

Received by Hon'ble Vakeel on 26/10/94 Bangalore

82

(6)

To

REGISTRAR'S OFFICE
RECD. 1057
DATE. 26.10.94

The Government of Mysore
Bangalore

Re: His Appeal petition No. of 1894-95

Petitioner:— Row Bahadur Rama Row Ranana
ware, Registrardar, Mysore

The Petr above named begs to State as follows:—

1. That the Petr appealed on the 1st Instt to Govt against the order of the Jamabundy Officer Bangalore Taluk in the matter of the erection of a compound wall around his Bungalow within the limits of the Bangalore City Municipality

2. That the Petr submitted that the Jamabundy Officer passed an order when he had no jurisdiction

3. That the Petr further submitted that the Jamabundi Officers order was passed without either hearing Petr or looking in his documents

4. That on or about the 15th Instant, the Stone construction raised by him at a very considerable cost was removed by the Amildar although he was informed that

that the Petr had preferred, an Appeal to Govt

5. That the Petr submits herewith the order of the Dy Court of Bangalore received by the Petr during the Dussera holidays

6. That considerable damage is already caused to Petr by the pulling out the stones which formed Petrs compound & that the loss would be immense if the Amildar hereafter sells them away.

7. That the Amildar has issued another notice & the Instant threatening to remove a portion of his main building which was erected 7 or 8 years ago at a very considerable cost.

8. That the Petr will suffer immense loss if the Amildar executes his order

9. That the Petr submitted a separate petition, along with his appeal petition requesting the Stay of execution

10. That the Petr prays that orders may be passed directing the Stay of execution pending the decision of the Appeal preferred by him

Bangalore
26th Oct 1874

D Venkatarama Iyer
Adv: for Petr

No. 530

26-10-94

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 1057
dated 20th Oct 94 received at the
Dewan's Office from Rao Bahadur Rama
Rao Ramanuja Regimentular
Mysore Principal Sheristadar
Court in the matter of the decision in suit
suit around the Bungalow may be stayed
till the petitioner can appeal against the decree
is forwarded, together with its
enclosures, to the Deputy Commissioner
Bangalore District with the request
that all execution of the Deputy Court's
order may be stayed till the
above said is submitted
at an early date

The petition and the enclosures
are returned

By Order,

Bangalore, 26th Oct 1894.

Chief Secretary.

be executed by him.

3. In the Survey Settlement Record, this tope and several other nos. of Málenhalli village are recorded as Bévárus or unclaimed, and it was therefore directed to be included in the "Cantonment list". How far this verdict is borne out by the above previous revenue records it is not necessary to point out.

4. In a matter of this kind, I feel inclined to give most weight to enjoyment. The vendors continued in possession of the tope in question for a very long period, as evidenced by the Revenue Accounts themselves, although the latter contain the somewhat supererogatory remark that the land was Sarkari. I would therefore recognize the right of the Ex. Regimentdar's vendors to the tope in question.

I have the honor to be,
Sir,
Your most obedient Servant,
W. MacDonnell
Deputy Commissioner

DC

15 12 4

57

Proceedings of the Deputy Commissioner, Bangalore Dt.

Read order of the Dy. Commissioner passed on the 2nd June 1894 on the examinate submitted by the Amildar of Bangalore with his report No. 169 dated 20th May 1894.

Read the Amildar's report No. 420 dated 21st September 1894. –

Order

Mr Rama Row Ramanaya has occupied Survey No. 45 of the Village of Mallikalli in the Bangalore Taluk and partially raised a stone enclosure. The number in question measures A. G. 2-24. This is assessed at Rs 3. The Survey Amial Patrica says that this number was Bagayat and without owner. Now this number is unoccupied Government waste and is in no body's Khata and no body has paid the

assessment to Government. There is a tank or tank on it and a tope and it, vested to by elevation of a certain class. Mr. Rama Rau has no right whatever to enclose the land. I gave notice to Mr. Rama Rau to remove the enclosure within a week. Owing to his absence in Mysore the notice was sent there but it was not served and returned for a long time. In the meanwhile Mr. Rama Rau, was attempted to erect a wall or other structure within the enclosure. The notice was ~~there~~ then sent to him in a registered cover by post. The cover reached him on the 12th September 1894. He has neither removed the enclosure nor made any representation about it beyond saying that he has preferred an appeal to the Government. No intimation of any such appeal has been received by me from the Government. As it is absolutely certain that Mr. Rama Rau

or any other person can have no right whatever to enforce the land in question and as, though formal proceedings have been taken lately, Mr. Kamakoo was months ago informed verbally that he could not enforce the land and had time enough to decide as to what he should do, I see no object in waiting any longer.

The object of these proceedings is not to prevent loss of Revenue to Government if it is to have the land kept open as it has been all along. I am not therefore disposed to impose a fine in addition to the assessment of the land which Mr. Kamakoo shall pay under section 59 of the Land Revenue Code. The assessment for 1893-94 shall be collected.

Further, I order under the penultimate clause of the above section that Mr. Kamakoo shall be summarily ~~ejected~~ evicted from the land. I also declare the structures

raised on the land by Mr Kamakoa a forfeiture. The Amildar will be directed to have them all removed at once.

Under the last clause of the above the property forfeited at my disposal. If Mr Kamakoa within such time as the Amildar shall consider proper notice of which shall be given to Mr Kamakoa defray the cost incurred by the Amildar in removing the enclosure and other structures the materials in question shall be made over to Mr Kamakoa. If Mr Kamakoa should fail to pay the cost after such notice, the materials shall be sold by auction and the sale proceeds from which the cost of removal shall be deducted shall be credited to Government.

If any portion of Mr Kamakoa's house should be found to stand on the land in question the

The appellant accordingly began to erect the compound wall in 1893. The matter was reported to the Dy Commr who on 27th January 1894, ordered that the land being a charitable topic should be left open for the public use and that the occupant should be called upon to vacate it. The appellant having failed to remove the wall as directed in the notice issued to him under the above order, the Deputy Commr on 3rd October 94, directed the Amildar to evict the appellant and remove the structures raised by him. The shrine-fixtures are reported to have been removed by Govt agency at a cost of Rs 13-10-0. The Deputy Commr to whom the case

case was remanded for further enquiry. Now, it appears that the vendors continued in possession of the lope for a very long time and that he would therefore recognize their right to it.

2194-5 / 25.8.97
R.F. 16-97

Order thereon.

It is no longer necessary to retain this as a public lope. From the entry in Sidharthi account, it is clear that Santavirappa ancestor of Kempa Nanjappa was regarded as a joint-owner of the lope. As the Appellant who has bought a portion of this land, and the owners of the remaining portion want to convert the whole number as a private property, and as it is no longer necessary to continue it as a public

92

(10)

Gen. Serial No. 31.]

189 4/95-3774
3 Oct 94
Pet: 265

From

The Commissioner
Bangalore District

To

Chick
The Secretary to the
Dewan of Mysore.

Dated 31st October 94

Despatched 2nd Nov 94

Received

Enclosures—No. 1 file

General No.
D No. 517

The Chief Secretary's Official Memo: C. No 205 of 1894 & Circular forwarding for submission of Proceedings, a petition with its Enclosures from Mr. Rama Rao Ramanavare, Registrant-Amildar, Mysore Stores, and Survey No 4 & 8 of the Malleshwaram Village, Bangalore Taluk.

In returning

L. B. Br 5-4-
Please put up G.T.
16 of 97, relating to
Rama Rao Rama-
-hanavaré, which was
sent to your Br. on
21-1-99. (See L.1041)

6844

Ref 419. 1898-99.
From (26)
The Dy. Commissioner, of the
Bangalore District.

To The Secretary to the Govt
of Mysore
Dated 2nd Gen. & Rev Dept
Despatched 4th May 1899.
Received

General No.
No. 1083

Enclosure No.

Govt Orders No 2194-95
P.T. 16-97
of the 25th August 1897.

Submits for reconsideration
the matter of granting the
land bearing Survey No 48,
Malenkalli, Bangalore City
to Rao Bahadur Rama
Rao Ramanavaré & suggests
that the tope & ground may
be reserved for public purposes

Lr 157-94-20.

Sub to 2nd Councillor
Bd
8/5/99

The order already
passed is equitable
& final & it is un-
necessary to interfere
with this land. I
do not therefore
think the question
that it is necessary
for a public purpose.
Indeed, when the
much larger ground
of the Sibbandi drill
ground became available
a large site Sir Lewis
if my information
is correct allowed to
be converted into
private ownership.
another garden
belonging to this Regi
ment does not also

Bd
5.8.99

119

Bangalore
Deputy Commissioner's Office
Dated Doraulalli 2nd May 1899

D No 1083

To

The Secretary to the
Government of Mysore
General & Rev: Departments

Sir,

With reference to Government order
No: 2194-95 / P.F 16-97 of the 25th August 1897,
granting, under certain conditions, the tope
and land bearing Survey No: 48 of Malenhalli
(near the race course) in the Bangalore City
to Rao Bahadur Rama Rao Ranawarè,
I have the honor to state that the records
on the subject show that the tope contains
a tomb or temple resorted to by some devotees
and that it was left unenclosed and open
to the public all along. Since the receipt
of the above order, the open ground has
been partially enclosed by stone slabs, but,

his enclosures of file above, and his summons to submit the record of the case and to show that the order appealed against was passed under section 5-9 of the Land Revenue Regulations

W. Egan Jr.
for Commissioner

(12)

CA 157-94-9

The President
City Municipality - Skopje

Pek
1182 25/3/95

With reference to the above subject
we will be pleased if you would
kindly arrange to have the
following persons appointed
as Election Officials for the
Municipal Council Elections
to be held on the 18th inst.

[illegible]

We shall be pleased if you will
kindly inform us of the
names of the persons appointed

25/3/95
Chief Secy.

No. 213 AR157-94-95 98

(14)

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

189

Endorsement granted to Rao Sahib Ramachar Pensioner, applicant in Mr 2. Mysore Commissariat Department.

in reply to his Petition Registered No. 213 dated 1-3-94

~~directing the removal of a suit pending in the Court of~~ for Enquiring into his case in Mysore Commissariat Records.

Petitioner is ~~informed that~~ ~~his case has been referred to the Dy Commr for enquiry~~ referred to the Dy Commr, who has been directed to hold an enquiry into the case de novo, giving him an opportunity to prove his claim

MMS 14/3 14.3.94

"By Order"

14/3

Chief Secretary.

M. G. C. P. Bangalore—6-3-94.—2000.

14/3 14/3

100 32.

Before the Government of *His Highness* the Maharaja of Mysore. (10)

Appeal No. 18 of 94-95

Appellant. Vs. KA 157-94-VB T Respondent.

Row Bahadur Row
Row Ramarao
by Mr. D. Venkatarangiah
Advocate.

~~Decision.~~

Notice served

8-3-95.

For the appellant, it was contended chiefly that he was not given an opportunity of stating orally his case. A reference to the record shows that no enquiry was held in the presence of the parties. The record will therefore be returned with a direction that he will call upon the appellant

Your recommendation as regards reservation is not very specific and wishes to be informed whether by reservation you mean to the dedication of the land with the hope wholly for the use of the people and others resorting to the land or the utilization of it for the purpose of the Rotten Row or other connected improvements—

I shall feel obliged by your furnishing me with such information as early as practicable—

in the above specification

together with the Veriacular records connected with the case and a copy of the deed of sale obtained by the Registrar—

Yours truly

28/5/89.

? 40

headdress his evidence to
have his correction of the
book and return the
records, the addl evidence
then recorded, and his
own remarks on it

Wilkes Chadwick

11/3/95

Addl. Coroner Kirk

Recorded
HCR. 12/3/95

104

of the land and return the
records, the additional evidence
(if recorded) and his opin-
ion thereon.

By order

[illegible] 14/3/95

[illegible] Chief Secretary

No 15654 & 14-3-95
Est. 1326 26.

Copy forwarded to the Deputy
Commissioner, Bangalore Dist.
with the records received with
his No 2017 and dated
31st ult. and 6th inst. 95
respectively

14/3

14/3

By order

[illegible] 14/3

[illegible] Chief Secretary

absolute
14/3-95/3

[illegible]
13/3

Supt Parties Complaints Reference Book

15

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. NO. 1545-R
DATE 24.9.96

19

Lr 153-96-4

To

The Secretary to the
Govt of Mysore
Rev & Gen: Departments
Bangalore

Rev his Petition No 1345

Petr
Rao Bahadur Ramaji Kamanavar
Regimentdia Mysore

The Petr named Lego to state as follows:—

1. That your Petr presented a petition to this office on 1st Oct 1894.

2. That up to date no date of hearing has been fixed for the said petition

3 That your Petr prays that such orders may be passed on his petition after fixing a day of hearing.

That your Petr shall ever pray &c &c

Bangalore
23 Sept 96

[illegible]

part of the old Parade ground.

The position of the tombs, temple and a deep existing old well is shown in the accompanying plan sketch and these stand in the portion reserved for 'charitable purposes. There is no idol in the so-called temple but people worship a "Hulla" (white ant hill) therein. A Sanyasi is living there.

Stone slabs now fixed by the Regimentdar to enclose the portion reserved for charity flower garden is shown in the sketch.

Besides this there is no other stone wall erected by the Regimentdar. He has erected stone slabs on three sides only leaving the side on his portion of the land still open. There is no ~~parapet~~ partition wall between. People who want to visit the temple or tombs have to pass through the land purchased by the Regimentdar. If he encloses his portion people will have no access at all unless a separate way is given to them.

Those are the tombs and referred to in the Deputy Commissioner's letter to Government and to whom the land on which they stand belongs:

One of the conditions under which the Regimentdar purchased a portion of Survey No. was that he would erect a stone wall and sink a well in the remaining portion. Please point out the position of the stone wall erected by him in 1893 as well as the position of the stone wall as it stands at present. Has it closed both the portions or only one? In the former case is there a partition and are the tombs & temple near it and easily accessible to the public from that side?

I am of opinion that the whole
of the Survey numbers 48 & 49
should be acquired and utilized
in connection with the proposed
Rotten Row & other improvements
in this locality. The temple
tanks maybe allowed to remain
we may be able to improve them
off in course of time.

I send herewith the Permanent
record, which contains also the
original sale deed of the Re
. mentdar.

The village map is on too small a scale to show the details thereon.

Yours Sincerely
B. Rathnavelu Mudaliar

C. Sreenivasaragavan Esqre
Secretary to Government
Genl & Revenue Depty

Pet
746 Pr

23-11-9

107

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

LR 153-96-2

LR 157-94-16

OFFICIAL MEMORANDUM.

The accompanying ~~Appeal~~ Petition Registered No. 1645 dated 23rd Sept 1894 received at the Dewan's Office from Rao Bahadur Kunike Ramanna Regunathar, Supree, requesting that early orders may be passed on his petition dated 1-10-94 praying for cancellation of the Bangalore Amildar's notice dated 10-9-94 issued, under the Jamabandi Officer's order, to the Petitioner directing the removal of the wall of stones alleged by him in S. No. 48 of Hutchanahalli

is forwarded, ~~together with its enclosure~~, to the Deputy Commissioner, Bangalore District, for enquiry of the additional evidence and the records called for in this Office No. 1565/P. 1336 dated 14-3-96.

By order

Draft Missing

for Secretary.

BANGALORE,

17-11-1896.

Rough

17-5-97.

Lr 157-94-97

Vide Secretary's ... 3
the slip attached hereto.

" " Main.
Please see if the bill is among the papers
7-6.

To Mr. L. Main
7/6
Refer Subd
Circle
8/6/97
Subm. to the Asst. Secretary
8/6

1) Immediate Serial Nos 7/1 + 7/
2 are the extracts from the
New accounts
2) Make an open file, placing
the Note at the top
9/6/97

Remittance
Please see the
opn. bill
7/6

To Mr. S. Ramaswamiah
for transfer of the papers
referred to above by the
Asst. Secy.
8/6
10/6 Mr. S. R. ... Bangalore
Engineering Engineer ...
2 Pl. C. Bangalore
11/6.

Translated Serial Nos 7/1 & 7/2 which
are the extracts from Revenue Account
C.Edi
14/6/97.
Subd
8/6.

REVENUE DEPARTMENT
1896 — 97 Gl.
11 MAY 97 076

From The Chief Engineer
Bangalore District.

To The Secretary to the Govt
of Mysore,
Genl & Rev Departments,
Bangalore.

Dated 10th
Despatched 12th } May 1897
Received

General No.
No. 1153.

Enclosure No. 1 file

In reply to Secys docket
No 15654 dated 4th March 1897.
Ref. 1336

I have the honor to forward herewith Rao Bahadur Ramachar Ramanaiah's deposition recorded to the effect that he has no other evidence to offer in the case, & the removal of the wall & stone slabs erected by him in the survey No 48 of Mudenahalli situated within the City Municipal limits, Bangalore.

Rec 15/5

P Ashton
13/5/97

1314

added to the measurements shewn on sketch plan.

Survey No 47 : 3 acres 19 guntas assessed at Rs 2/4/. belongs to the Race Course. No assessment is levied.

A Khas village map is herewith sent.

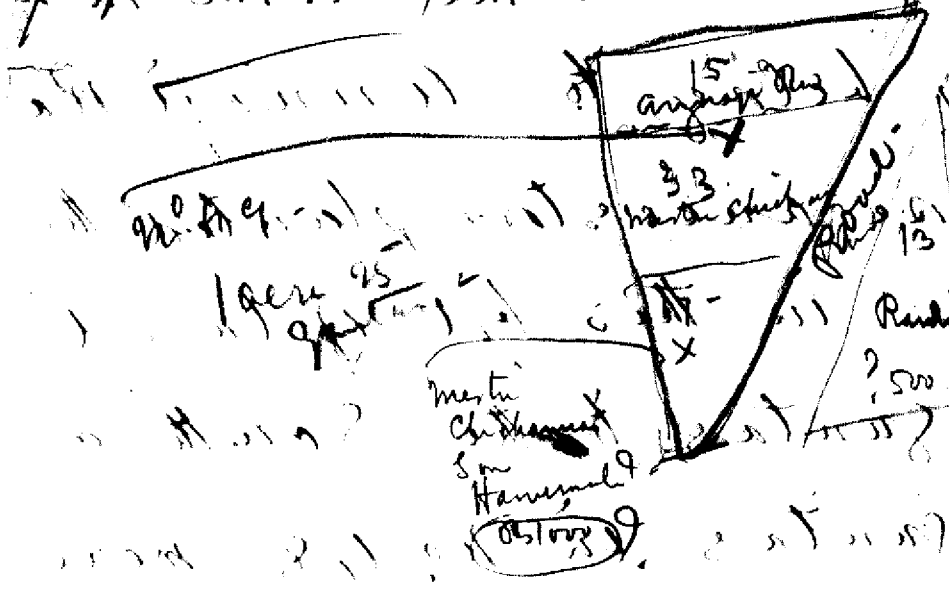
The S W corner of no 68 has always belonged to the southern portion of No 69 15 guntas to the north in no 69 belong to Annaji Rao whose ancestors planted the topes in this bit of land

17 + 33 guntas to the South and 13 guntas in No 68 were planted by Sunkada Chikanna and Ugrappa Channaiya

13½ B

bout 65 years ago Agasara Annaiya
old his portion 33 guntas to Madaiya Chickanna.
Gunkada Chickanna's relatives sold
17 guntas being portion of no 49 to the
west of the road, to Madaiya Chickanna
on Hanumiah for Rs 1000 on the
3d July 1890 - and 13 guntas
being the portion of no 48 to the
East of the road, to one Ramiah
for Rs 500 on the same dates

D C



Gen. 31] 1898-9

From The Dy. Commissioner Bangalore District

To The Secretary to the Government of Mysore Genl & Rev Depts.

Dated 11th June/98.
Despatched
Received

General No. A
No.

Enclosure None

Secy's letter no: Pet Lakh 231 dated the 10th instant requiring certain particulars regarding Sur: nos: 48 & 49 of Malenkallu village.

The particulars called for are furnished.

The Dy. Comr will proceed in due course to give effect to the above instructions & to cause due intimation of the same to be given to the parties concerned & prevent future complications. He will submit a final report on the settlement

10.5.99

late C.S. order ... such to so permitting ... reversion of certain ... to Govt ... with proviso ...

The terms of assignment ... since 1892-93 ... be allowed to ... the effect of converting ... future Dharmil Tipli ... private property ... pute occupancies ... The holder has ... the same rights ... to Govt at the end ... the Survey ... the right to take dead ... or branches & qualified ... impute de- ... human Control ... depredations applicable ... such Govt) - These rights become ... at the Continuance ... the public character ... Govt shall whenever ... demanded.

35. Bangalore District
Deputy Commissioners office
Dated Bangalore 11th June/99.

To

The Secretary to the
Government of Mysore
General & Rev Departments

Sir,

With reference to the queries con-
-tained in your letter No: Pet 931 of the 10th
instant on the subject of the reservation
of Survey numbers 48 and 49 of Malen-
-halli village for public purposes, I
have the honor to state as follows:—

The area included in numbers 48
and 49 was shewn as Dharma Dope in the
accounts of the year Parabhava (1846) down
to the year Prajotpatti (1871-72). In the
year 1872-73 the survey Settlement took
place and in the settlement records No: 48
was shown as Dharma Dope in the name of
Sunkadq Chickamma and assessed at

21

No. 1153

Sur. Gifté

109 Dy. Commissioner's Office
Bandarawela District
Dated 12th May 1897
12

To,
The Secretary to the Govt. of Ceylon,
General and Revenue Departments,
Kandy.

Sir,

In reply to your Docket No. 15654 Vol. 385 dated 14th March 1895, I have the honor to retransmit the records received therewith, together with Mr. Rai Bahadur Rama Row Ramanayake's deposition recorded to day to the effect that he has no other evidence to offer in the case.

2. Going into the final Kachcheri and other Revenue accounts, of which extracts are filed, the tope is said to be planted for charity by a Vayapoora named Ekkika on Government land. The tope came, it is not known how, to the grandfather of Kenpha Nanjappa and Lattee, more than 50 years ago. The latter sold half of it to the Ex Registrar, for Rs 750; but the consideration money is stipulated in the deed to be expended on a compound stone slab wall, and stone faced well to

~~[illegible]~~ [illegible] 105 1/3 [illegible] 26-8-97

[illegible]

(24)

~~LR 153-96-8~~

LR 157-94-18

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

48 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 26.10.94

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

1 38 ~~29~~ 30

No 63
D.C.

GOVERNMENT OF MYSORE

Urgent

1898. 99.

~~LR 97-98-5~~ No.

LR 157-94-23

The Deputy Commissioner
Bangalore District.

Dated 19th June 1899.

Referring to correspondence ending with his letter No. A dated the 11th instant regarding the proposed reservation of Survey No 48 of Mallasandra Village, Bangalore Taluk, I have the honor to request to be furnished with full information on the following points:—

(1) What were the first series Survey Numbers of the present Nos 48 and 49, their extent &c — The

(2) What are the

8 2 3 6 22

Avul Number and Pahani entries regarding the present No 49 during the last twenty or thirty years

(3) In the Deputy Comm^r^ Memo dated 9th June, the temple over the kutta (in No 48) is stated to have been built 30 years ago by Jail Daroga Lak. kanna and reference is made to a Karar in support of it; but the Ver: records contain only one Karar dated the 21st April 1880 which refers to the construction of a Mantap. More accurate information is therefore required on this point.

(4) In the same Memo, it is mentioned that 13 Guntas being the portion of No 48 to the east of the road, was sold to one Ramayya ~~for Rs 500/-~~ who enjoys it and is

34. 112

For Secretary.

For Secretary.

For Secretary

1/3 28. (25) (25)

LR 157-94-19

LR 153-96-14

Proceedings of the Court of Bangalore

Read:—

(1) Petition of appeal No. 18 of 1894-95, presented by Row Bahadur Ram Rao Ranavare of Bangalore, against the order of the Deputy Commr of Bangalore directing the removal of a compound wall of stone slabs which the appellant had erected in Survey No. 48 of Halenhalli situated within the limits of Municipal Bangalore City.

(2) Correspondence ending with letter No 115-3 dated 10th May 1897 from the Deputy Commr, Bangalore District submitting a further report on the above petition.

(3) Records of the case from which the facts appear to be as follows:—

The land in question which is shown in the old accounts as containing a charitable tope planted by one Chikka was, at the survey settlement in 1872, made No 48 (A. 2. 24 in extent and assessed at Rs 3.) and was described in the Revised Patrika as Kevara or Unclaimed. In 1892, Tempanayappa and 4 others the descendents of one Santaviraffa mentioned in the accounts of Siddhartha as joint owner with Chikka, sold one half of the land to the appellant for Rs 750, stating that the amount would be spent by him in sinking a well and erecting a compound wall of stone slabs round the other half which they wanted to turn into a charitable flower garden.

The

showing the details of Survey No 49, are herewith submitted It will be observed that both the lands, Nos 48 and 49 were Dharma topes before the Survey Settlement and no Kandayam was levied on them. When the settlement was introduced in 1873, the persons who planted the tope in Survey No 49, appear to have obtained from the settlement Officer, a patta on the condition that if the land is at any time required by Government, the Khadédars would not be entitled to any Compensation therefor An Extract from the Lavane Faisal Patrika is hereto attached.

4 – The temple over the kutta

in

23.6.99

in Survey No. 48 14 4 is said to have been built by one Lakkanna, about thirty years ago, and no written karar appears to have been executed then. The mantap, referred to in the karar dated 21st April 1880, is said to have been latterly constructed to the south of the temple.

5- No Kandayam is being levied on the 13 guntas of land in Survey No. 48, said to have been purchased by one Ramaiya in 1890, from Thimmaiya and Chikkanna. As the land is not cultivated, it cannot be said to be in the enjoyment of anyone the purchaser not having done anything to it.

6- Sheristedar Subbaroya

Kanarese

117.

public tope, the same will be converted as an occupied land and the assessment put upon it by the Survey Dept will be levied from the date of the settlement. For appropriating the land for other than cultivation purposes, a fine of ten years' assessment will be levied. Out of the amount thus collected, the money spent for removing the stone slabs, viz. Rs 13-10-0 will be appropriated. The assessment on the land will be struck off.

Draft

C 2, 3.

For Secretary

To

The Dy Commr
Bangalore District with
records, and Copy
Sketch forwarded to the Survey Dept

20/8/97 (2) to the Survey Dept

x x Dupe S.W
26-8-97

1465

120 78

further work is at a standstill

The topic is on the margin of the road (the Excelsior road) leading from the City Railway Station to the Palace and the British Residency and is opposite the old riding School grounds of the Mysore Cavalry and proposed to be conserved for public purposes.

I think for the above reasons that the topic may well be reserved for public purposes along with the above plot of ground and submit the matter for the reconsideration of Government.

I have the honor to be

Sir

Your most Obedient Servant

W. Mitchell

Deputy Commissioner

Bangalore District

3) represented whenever
freely acquired
& to now found a
part of a private
compound. Such
acts are viewed with
great distrust by the
public and I would
avoid such interference. I mean
reason reconsider
the order already
passed & would
say so without any
reason ask the
Dep Com not to
interfere with the
free exercise of his
right by the owners.

9.5.99

This in some way seems
connected with the grant
(under consideration) of
the Chathams Rao of
the land he has asked for.
The file was sent yesterday.
Mr Sandwith Lee has
promised to send the
plan & information called
for by the Secretary, direct
as soon as
Rubber & Secretary
10/5/99

Of the three points I have
marked (1), (2) &
(3) in Mr Christmas
remarks,

(2) is under consideration
& the papers are a claim by
Mr Christmas.

(3) - I don't know what
he means & I shall feel
obliged for any facts in
his possession

& (1) - I don't know when &
in what connection Mr
Christmas referred to
the opinion that the land
is not required for a
public purpose - let me
see that opinion as
I wish to know how
this negative opinion
was arrived at, before
deciding if
the land is required for
a public purpose &
making a declaration to
that effect - If the land
is required, it must of
course be acquired
under the Act -

I am not quite clear what the
specific records of the Dep Com.
is. What is the Dept which
will deal with the Subject?

I don't quite see how this subject belongs to Mr Hawthorn's Department, I don't think the benefit of Mr Christmas should be heard. Think I should have to hear Mr Hawthorn's opinion first. 9/5/99

Written under personal instructions from the Dewan

(21)

Sir,

Reporting to your letter No 1053 of the 2d instant, regarding the reservation of the tope and land near the Residency house at Bangalore (Survey No 48 of Hialenahalli village) the Dewan wishes to be furnished with a full and detailed report on the points noted below, accompanied by the village map, with the respective lands &c clearly shown therein -

(1) What is the area, & assessment of the lands on either side of the cross road passing through the mango tope (marked A & B in the enclosed rough sketch) and the particulars as regards the occupation of each assessed survey number thereof -

(2) What is the land

purchased by the Regimentals from the
owners, and which is the portion
~~which the latter~~ retained for use
as a charitable flower garden?
and does any portion still remain ~~of the charitable trust~~, excluding
the land sold to the Regimentals
and that retained by the owners?
If so, to whom does it belong? They
should be separately indicated in the village map.

(2) Where did the trust ~~of~~ expressed in the earlier deed to whom does the land on which they stand belong?

(3) What is the title of the Rectory Ground? How and when was it acquired? Is it held by the Diocesan Trustees or otherwise?

(4) One of the conditions under which the Regimentals purchased a portion of the burying ground was to erect a stone wall & such a wall in the remaining portion
Please point out the position of the wall ~~to~~ erected by him in 1893, as well as the ~~present~~ position of the village stone wall as at present. ~~remaining~~
Is ancient boundary wall? Is the Rectory

(5) What is the area of the old village Parade Ground, exclusive of the 4 acres and 10 perches to the North of the new road.

call it a Rectory
& can
Rectory & Church
Rectory Garden
Rectory from the
outside

The Rev'an thinks that

23.125

Sidecar Stables

Jail Road

From the City

Subedar Chattram Road

New road

B

Old Burial Ground

Road through the burying ground

A

Exposition

Race Course road

Jail Road

Race Course road

Q.

(24/26) 126

Bangalore 6th June 97

Sir,

With reference to your D.O. letter of the 28th ult from Ooty, I beg to forward a tracing showing the lands in question. The replies to your queries are noted below.

I. What are the area and assessment of the land on either side of the cross road passing through the mango tope (marked A x B in the enclosed rough sketch) and what are the particulars as regards the occupation of each of them?

also part of 248

i.e. by Pemmiah Krishnappa's consent.

No. 2.94-95 / 82.6.a of 25-8-97

The road passes through the tope A x B between two survey nos. 247 & 248. The area of 30:00 is acres 25 guntas with an assessment of Rs. 21-4-0 and of 30:48 is 24 acres including 4 guntas (kharab) 2 acres and 20 guntas assessed at Rs 3/. The former number is in the enjoyment of two individuals viz. Ramaiah & Channaji Rao. The latter number was a dharma tope in the name of one Muttada Chikkanna. As per recent orders of govt. the management of this land for the past years was entrusted from the Regimental and Subsidiary, the present holders

I. Which is the land purchased by the Regimental from the owner and which is the portion retained

the land purchased by the Regimental and the portion retained by the owner are shown

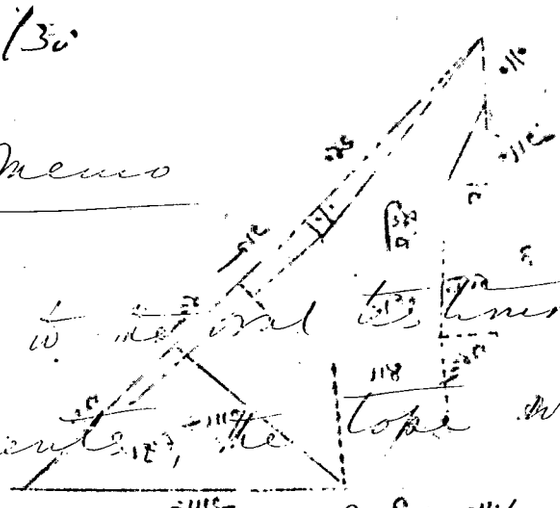
by the Cutler for use as a Cha-
-ritable Corner garden and does
any portion of No 48 (Charitable
Dope) still remain after ex-
-cluding the land sold to Regi-
-mentder and that retained by
the owners? If so to whom does
it belong? They should be separate-
-ly indicated in the village
map.

E. What is the extent of old
parade ground? How and when
was it acquired and did Dope B form
part of it?

in the plan with their extent. The
portion still remaining out of
this number is also shown in
the sketch. This portion of the
last named
Dope formerly belonged to Dope
B, but being separated by the
road before the survey operations
began, it was included in Sur-
-vey No 48 during the same
survey as a part & parcel of it.
This however belongs to Ramiah
Bin Chick Hanmaiah, the
holder of No 49.

The extent of the old Parade
ground is 3 acres and 9 cents
without assessment. This was
acquired in the year 1863 on pay-
-ment of compensation from the
then Chatedars Kempa Naya-
-kar, Butler Pomiah, Ram-
-dar Munivadami, Vinka Jetti
Hanmiah & Chenna Kara. The
Lands were acquired at that time
indiscriminately both for Pa-
-rade ground and Race Course, it
cannot now be specified how
much was acquired for each
purpose. Dope B did not form-

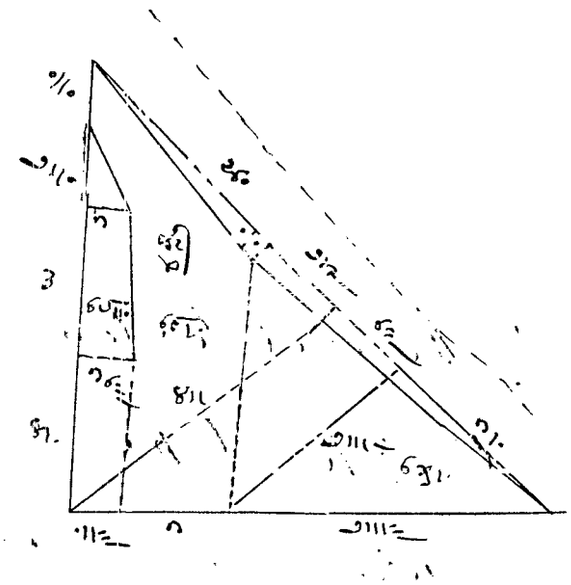
Memo



According to record the Survey of old records, the land was planted in Survey Numbers 48 49 about 60 years ago. The temple was the Kattaya (Captain) was built 30 years ago by Nagappa Nayaka as per old records. The mantap was built about 15 years ago. The two are said to be 100 years old and to belong to the Lingayat community (Suttee)

The Kaval is dated 2nd April 1850.

Mr. V. P. Madhava Rao's compound includes survey nos. 43, 52 and part of 51, as shown in



No. 51 = 25 Guntas
8½
14½

8½ Guntas of assessment 51 are included in Mr. Madhava Rao's Compound. 9¼ Guntas of this number are taken up for road. 5½ Guntas remain as a triangular bit on the South of the new Road. Mr. Madhava Rao has paid for 10 Guntas of this land at Rs. 500 per acre

	A.	S.	Assessment	
No. 53	6.	12	Rs. 8. 0	Includes Kharab 1-18
52	3.	32	1. 0. 0	Do 2-15
51	0.	23	0 4. 0	Do 0. 8

The Kharab 4 guntas in No. 48 is situated in the portion containing temple, mantap, tombs & well. This extent 4 guntas should be

(29) 132

R. Est 931 & 10.6.99. 10. 1898. 99

To

~~LA 99-98-2~~

LA 157-94-21

The Deputy Commr
Bangalore District

Dated 9th June 1899.

Sir,

Referring to correspondence ending with your D.O. of this date regarding the reservation for public purposes of survey No 45 of Malenahully Village, Bangalore City, it has been ascertained that no assessment was paid on the said land up to the date of the passing of the order of Government No. 2194. 5 P.F. 16. 97

2 plans already marked "Very Urgent" 9

10/6/99

RD. 10.6.99
5.10 pm

dated 25th August 1897.
I am now to request in-
formation as to whether
any assessment is now levied
~~paid~~ on the adjoining
Tope forming Nº 47, ~~if so, by whom and~~
~~in what proportions~~
~~and made. What~~
~~authority is such~~
~~payment being made~~
seeing that the land
in question is an old
Dharma tope and
entered in the accounts
as such for many
years past, and that the Survey Settlement could
have created no new rights which did not previously exist.
I have &c.

on the part of the Tope
which forms the S. W
Corner of Nº 48, and
if ~~such~~ assessment levied,
~~two~~ from whom & ~~under~~ in
what proportions is such
levy made and under
what authority.

10/6/99
Secretary.
" 10.6.99

As 3/- . But no assessment was levied on this number

In the settlement records Survey No: 45 was shewn as Hidewali and assessed at Re 1-4-0. The Phutpahani of this number shows 3 occupants as tenants and Khate was made in their names.

		assessment
Bellappa Naik	0-15	0-4-0
Agasar Annaiah	0-33	0-12-0
Thimmaiah	0-17	0-6-0
Total	1-25	1-4-0

Since the year 1972-73 assessment as above has been regularly paid. The charge of the tenure of this number, therefore, dates from the Survey Settlement.

As regards the South-west corner of No: 45 no assessment was ever levied thereon. Prior to the Survey Settlement it was part of the Dharma Pole (Nos 45 P1 & 2), and at the Survey Settlement it became part of No: 45 the whole of which was shewn as Dharma Pole in the name of Hulkoda Chikkanna and no assessment was levied on this number until the passing of the order of Government

No. 2194-5 / R.7-6-97 dated 25th August 1897.

I have the honor to be
Sir
Your most Obedient Servant
[illegible]
Asst Commissioner
Bangalore District

Reply to D.C.'s as follows:—

This letter contains no satisfactory explanation as to why the Local Revenue authorities levied on R.149, the assessment of Inam 1872-73, on the sole ground that the Survey Dept. put an Assessment of Rs 1½ on the land. The action taken by the Survey is explained in C.R. Grant's letter No. 347 dated 26 August 1890. Copy of which is forwarded herewith for information. It is clear that the Survey Dept. never intended to effect any change in the Revenue assessed in the Deps Circle's letter, nor does such change of Revenue within the jurisdiction of the Survey Dept. to effect under the Circular the Assessments charged by the Survey Dept. have been levied on R.149, but they have been left in abeyance in consideration of the Inam being a Dharmadaya one, in the same way as the Asst. on R.148 was left in abeyance on the same consideration. There was no difference in the tenures of R.148 & 149 from those of R.147 & 150 except that the Survey Dept. have recognized as the result of Operations

~~dy~~ 140

any Cundagem levied therein? All available information on this point should be noted —

The favor of an early reply is requested.

C. C. 6-99

19

Secretary.

"

(31) 1265

Gl. No. 2186
1899 N. 3 99
D. 5270

From

The Dy. Commissioner
Bangalore District

To The Secretary to
Govt. of Mysore
Rev. Dept. & Cogntt

Dated 24th June
Despatched
Received

General No.
D No. 1265

Enclosure No. 4

The Secy's Compl. No. 63 D.C. of the 19th instant.

—

Reports on his queries in re the proposed restoration of Survey No. 45 of Malenahalli village, Bangalore Taluk.

Requested send him at once the Record Collection Register of the D.C.C. who has got the file with him & who will send it to me with his note complete for submission to Govt. on the 30th inst. 24/6/99

Rec'd 26/6/99 [illegible]

162

D. No. 1265
E. 4

Bangalore District
Dy. Commissioner's Office
Bangalore 24th June 1897.

To,

The Secretary to the
Government of Mysore
Rev: Land Department.

Sir,

With reference to your docket No 68. A. C of the 9th instant, I have the honor to report as follows:-

2- Survey numbers 48 and 49 of Malavalli village in the Bangalore Taluk bore Nos 51 and 52 respectively, at the time of the Survey Settlement with extent and assessment, as shewn below

No.	Total extent A – G	Pasture Kharab A – G	Assessment Rs. A. P
51.	2 – 24	0 – 4	3 – 0 – 0.
52.	2 – 0	0 – 15	1 – 4 – 0.

3- The extracts from the old land numbers Register since 1849, and the Survey Pahani accounts, subsequent to the Survey settlement,

showing

S&M 165

Kaveripuram Pincode is enclosed for ready reference

I have the honor to be
Sir
Your most obedient servant,

Dy. Commissioner,
Bangalore District.

Mrs

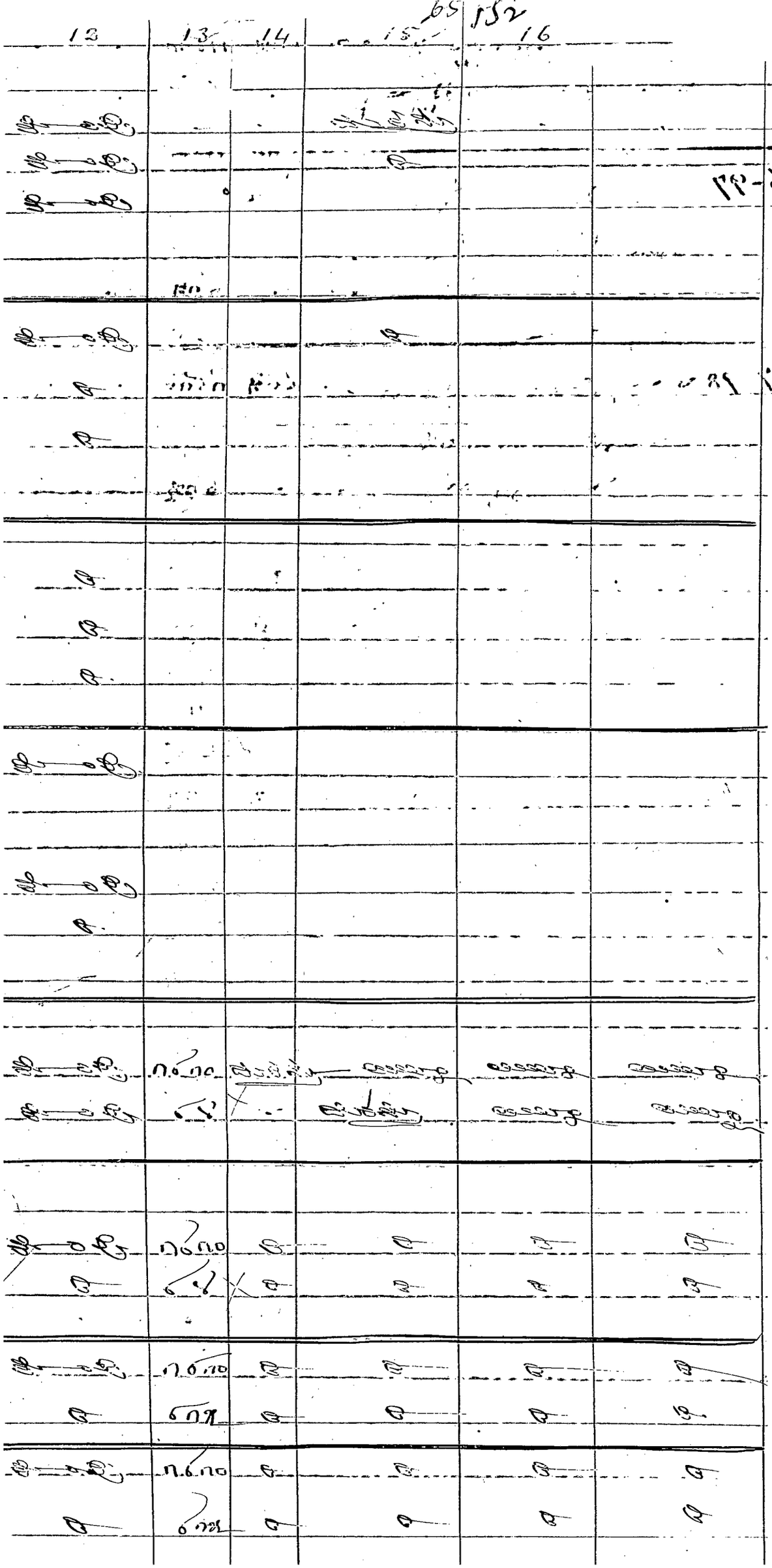
Registered as No 1023 of Book 1
Volume 137 pages 454 & 457
8th August 1890.

(sd) B Gunyeah
Asst Registrar

1	2	3	4	5	6	7	8	9	10	11	12
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
52	1872-73										
47											
	73-74										
	74-75										
	75-76										
	76-77										
	77-78										
	78-79										

150 63

47	ಸಾಲಿನ	95-96						
	ಅಂತ್ಯಕ್ಕೆ							
	ಅಂತ್ಯಕ್ಕೆ	96-97						
	ಅಂತ್ಯಕ್ಕೆ	97-98						



1	2	3	4	5	6	7	8	9	10
49		1887-88							
49		88-89							
		89-90							
		90-91							
		91-92							
		92-93							
		93-94							
		94-95							

X	X	X	X	X
51	2 – 24	" – 4	2 – 20	3 – " – 3
52	2 – 0	" – 15	1 – 20? This ought to be 1–25	1 – 4 – "
X	X X	X	X	X X

52/49	[illegible]	1879-80	[illegible]			[illegible]		
[illegible]	[illegible]	80-81	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	
[illegible]	[illegible]	81-82	[illegible]	[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	82-83	[illegible]	[illegible]	[illegible]	[illegible]		
	[illegible]	83-84	[illegible]	[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	84-85	[illegible]	[illegible]	[illegible]	[illegible]		
49	[illegible]	85-86	[illegible]	[illegible]	[illegible]	[illegible]		
[illegible]	[illegible]	86-87	[illegible]	[illegible]	[illegible]	[illegible]		

154 67

1877

155 68.

[illegible] 1897 [illegible]

[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	accounts not in the file.
[illegible]	[illegible]	

[illegible signature]
23. 6. 97

32 ~~Ex~~ 856

Office Draft. (Docket.)

Mysore Government
General & Revenue Secretariat,
Branch.

To The Deputy Commr
Bangalore Dist.

~~LR 99-96-7~~

LR 157-94-25

Date of passing the draft
Date of despatch

Regd. No. 1716 Dt. 3.8.04.
File No. & date (if any) LR 16-97

No. of Encls. V. Records

With reference to correspondence ending with the letter Ry. Comm's No. 250 dated 21/5/04 regarding the alleged encroachment of 90 sq. ft. of Halenaidu, Bangalore, has the Govt to return the remarks records of the Commissioner Revenue received with the Ref. No. dated 6-6-04.

By order

A.S. Rajé

For Secretary